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Herrin Massacre Investigation Proceedings, 0301-0400

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Herrin Massacre Investigation Proceedings, 0301-0400

Keywords

Herrin, massacre, Illinois, strike, strike breakers, mine, miners, workers, America, steam, shovel, men, murders, investigation, committee, proceedings, 1923

Comments

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I informed Colonel Hunter and Mr. McDowell of this episode and

Page 964

McDowell said it wouldn't occur again. It appeared he wasn't very particular about disarming/men and keeping them off of the public highways. He had previously promised the sheriff that he would not permit this and every day and every night there was a recurrence of the hold-ups. We asked him why it was necessary to make an arsenal out of his office. It looked like there was a ton of ammunition there.

After we left the Strip mine that afternoon we returned to Marion. I think it was practically unanimously agreed that if McDowell went through with what he promised that there was no use worrying about it and that things were quiet at that time and they would continue so.

I then drove back to Herrin.

Page 965

I talked to several, including Fox Hughes regarding my trip to the mine. Willis came into Herrin from Chicago the day I left.

I think he just walked into my office and we just discussed matters in a general way, as any two men would do associated together. I

might have told him of the assurance I received from the Superintendent that these insults would not be repeated. Objections were raised about the operation of this mine by non-union men, but I heard no

Page 966

threats made. Willis is responsible to Farrington and Fox Hughes to me. I don't think I gave any directions to Hughes with reference to the mine when I left for Springfield. May I explain one matter that will possible clarify the situation? Mr. Lester stripped this coal by permission with the understanding that he wasn't to mine the coal.

Page 967

A few days before, possible two weeks before the 19th of June, his entire crew of men were discharged. As you understand, there is a local union at each mine, as a rule. There was adjoining property, jointly owned by Mr. Hamilton and Mr. Lester, where another crew worked. They had finished and stripped the coal and were discharged. Then they bring onto the Lester mine and place in charge. Because of that circumstance, they appealed to our office, claiming they were entitled to work over at the Lester Strip mine.

There was a gang of steam shovel operators that went in to strip the dirt first and that was agreeable to the union and after the ground was stripped off they were laid off. I was informed they were members of the Steam Shovelmen from Chicago. The men who first stripped off this dirt were members of our Union and had worked at the mine ever since Mr. Lester operated, and they stripped quite a quantity of coal there and then they stopped loading coal the first of April, but they continued to strip land off. Complaint was made that they were loading coal and myself, Hughes and Bluscar went out to talk to the Superintendent and we found that they hadn't been loading coal only loading one car to replace track. That was two or three weeks, or possibly along the middle of April, or latter part of April, I think, and these men then who were laid off came to take the places of the men on the shovel. The men displaced claimed they had jurisdiction and they were entitled to that work. That was the first complaint. The superintendent we met at that time was Mr. Staiger. I was not in communication with Willie or Hughes after I left Harrin on the 20th or prior to the 21st of June. As I remember, I received a telegram on the 21st from a newspaper man saying that two men had been killed. All the communication I had after that from any source at all was through the press. The only time I knew about mobs forming on the 21st was through the press, the first knowledge I had, Judge, of any trouble at all, was through the Springfield Register. The reason I recall it so distinctly is because I had a measure in the Constitutional Convention. I was trying to have it adopted, it had gone out of committee and been recommended "do pass", when the Register brought in a rightup against the legislation which killed the measure. That was the first knowledge I had when I was looking at the Register and noticed the headlines, which was on June 21st I believe. As I remember it, I tried to get a long distance call through. I am not positive about that statement. But anyway, the next morning one of the members of the Associated Press came over and told me the situation there and he said that the sentiment was at a high pitch and they couldn't get hold of anybody, either at Marion, Harrin or elsewhere.

I don't believe the article stated the names of the men killed although I later found out I was acquainted with them. I never discussed this matter to anyone until I returned to Herrin on Friday or Saturday and the only information I had was press statements which I did say were exaggerated.

FURTHER EXAMINATION BY MR. IGOR

I believe I received a telegram stating that two men had been killed after I returned to the hotel from a Committee meeting before 11 o'clock in the evening on June 21st. I took no action on it of any kind. However, if my memory serves me correctly, I tried to get the office at Herrin but there was no one there. About a week after the 22nd I conferred with General Black about it, but at no time with the Governor or any of his representatives. The District Union maintains a legal department in Marion. Mr. Stone is general attorney there and appeared as counsel for the defense in the case tried at Marion. I do not know of Hugh Willis' whereabouts at the present time. It was after the 17th of April that he went to Hot Springs on a vacation.

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Either Saturday or Sunday prior to the 19th I sent a telegram to our National Organization inquiring as to the status of the Steam Shovelers' Union. The reply in substance said they were not in good standing with the American Federation of Labor. I gave it to the press, but that did not produce any crisis down here. The

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organization always has followed this rule that any matter pertaining to employment, to conference meetings, etc, are kept posted and when Mr. Lester had made this statement to the press, I felt and they felt that if these men were members of the Steam Shovelers' Union, then it was a matter of jurisdiction between the two international unions. This was a time when in Illinois both operators and miners had come to the end of an agreement and there was a lull. And no mines were being worked. This agreement expired March 31st and work was not resumed until August 22nd. Mr. Lewis, our International President,

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sent the telegram. I never heard of Judge Hartwell handling money for the purpose of running this mine. I think it was February or March, 1922. I am not positive as to the month or date, we were informed that the company, the Lester Coal Company, proposed to load coal after the expiration of the miners' agreement and some one, I don't recall who it was, whether it was gossip or where I got it, made the statement that Mr. Hartwell had some stock in this corporation and I drove over to Marion to see Mr. Hartwell and asked him about it and he denied it. That is all I know about it. But that was as to a matter of stock.

Q. And was there not a story down there to the effect that somebody had gotten some money for the purpose of letting this mine run in violation of union agreements and somebody else did not get anything?

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A. No, I never heard that, Mr. Igoe. I heard, as a matter of gossip that story but it was general talk or general rumor. It has been rumored that money was paid a member of the miners' organization for permit to run that mine, but I don't think that is true. If true, somebody was crooked, but I have no knowledge of money having been put in a bank and a portion returned. I just heard the gossip that some one said Mr. Lester had said he had paid for permit to operate that mine and it was so foolish I did not pay any attention to it. Nothing has been done by the Miners' Union to bring the murders of the two union men to justice. Mr. Kerr heads our legal staff and was with the defense in the case at Marion.

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Hugh Willie gets \$9.60 per day and his expenses, and it is generally assumed that this officer does not

983 leave his place without the authority of the President.
The only time the subject of troops was ever discussed
by me was this: If Mr. Lester or any one else did
984 attempt to operate a mine, it would have to be operated
under military protection. I may or may not have said
to the Sheriff on our journey to the mine that my judgment
was he should swear in a sufficient amount of deputies
to maintain order and law. I don't recall whether I did
or not.

FURTHER EXAMINATION BY MR. FLAGG

I don't remember when the armed guards arrived. It
was somewhere around June 13th. I think if Mr. Lester
had attempted to operate that mine in a decent law abid-
ing way, it could have been operated as any other mine.

Springfield, Illinois,
May 15, 1928.

987

ROBERT HERRIN.

a witness called before the Committee having been previously duly sworn, resumed the stand for further examination by Mr. Carthy, and testified as follows:

My name is Robert Herrin. During the week of June 21, 1922 I was Chief of Police of Herrin. I quite the 15th of December.

I have not seen Hugh Willis during the past two or three weeks and was not a witness in either trial at Marion.

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Bill Sadler and I had charge of the jail at that time. Jake Jones testified in one trial concerning the men who were in jail. I knew their names at the time, but I kept no record. I don't know where Abe Hicks is at present.

FURTHER EXAMINATION BY MR. PHILLIPS

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There were three men in jail, but I don't know who put them in. I turned them loose on the evening of June 22d. Two of them were put in on the night of the 21st and one was brought in on the morning of the 22d. He was hiding out that night. He told me he had been working at the Lester mine.

Springfield, Illinois,
May 17, 1923.

992

The Committee met pursuant to adjournment.

GEORGE D. SUTTON,

called as a witness before the Committee, having been first duly sworn, was examined by Mr. McCarthy and testified as follows:

My name is George D. Sutton. My business is that of secretary to the secretary to the Governor, having held that position since 1917.

On Saturday, June 17th, I was in the State House, at which time I heard about the Strip mine trouble in Herrin. That was on Saturday morning, my attention was called to it by Mr. Medill, director of Mines, who asked me if I had seen the press notice of the trouble at Herrin, or in Williamson County. I cleared up my desk and along about 11:30 the thing recurred to me and I thought I had better look into it. I got the morning paper and found the Associated Press despatch, saying, well the import was that they were running the strip mine and there were armed guards on the highway, so in the absence of the Governor I thought somebody ought to know about it and investigate it. I went to the Adjutant General's office to find General Black. He was away, Colonel Shand was away, and Colonel Tripp was away. It was about noon and I think Colonel Hunter was the only man in the office. I showed him the report and suggested he get in touch with somebody down there, his home county, and find out if there was anything to it. In the afternoon, Saturday, I

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I stopped in the office. He said he had talked with the State's Attorney I think, he said he couldn't get the Sheriff. The State's Attorney told him there was likely to be trouble there. Then we discussed it and I told Colonel Hunter he had better get down there and find out about it himself as there was nobody else around, and I believe he went down. I made it a practice to stop in the Adjutant General's office once or twice a day, commencing Monday, and see what reports they had. It wasn't my duty, but I was interested and curious to know what was being done. I heard telephonic reports made of General Black's conversation with Colonel Hunter and others down there. The import was that, there was a telephonic conversation read to me that General Black had had with somebody down there - I think Colonel Hunter- and I got a copy of that telephonic report and sent it to the Governor, with a letter that day. The letter I sent to the Governor, being "Exhibit A", May 17th, is as follows:

994

"Exhibit A
of May 17, 1923"

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD

LEN SMALL
GOVERNOR

June 19, 1922.

Dear Governor:

I dislike very much to bother you with any details at this crucial moment of the "persecution". However, there are possibilities of labor trouble in Williamson County, as follows:

Certain strip or surface mines near Herrin decided to operate, and the operators placed heavily armed guards on the public highway, according to the newspaper reports. I advised Colonel Hunter, in the absence of General Black, and he telephoned the State's Attorney of Williamson County, who informed him that the situation was bad and that trouble might develop. I then suggested to Colonel Hunter that he go to Herrin and make a personal investigation. He did so, and reported by telephone to General Black this morning. I enclose copy of the telephonic conversation.

In the event that a request comes for troops, General Black will communicate with you by telephone before issuing orders.

We were all much pleased with the developments at Waukegan, today, and hope soon to see you at the office.

Very sincerely yours,

(Signed) GEORGE D SUTTON

Honorable Len Small,
Salvation Army Hotel,
Waukegan, Illinois"

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I saw the Adjutant General Monday, Tuesday and Wednesday and I think I told the Adjutant General one morning I thought he ought to be down there himself to see what was going on.

PURTHER EXAMINATION BY MR. PIERCE

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General Black told me he thought his place was in the office. I think this conversation took place Tuesday or Wednesday before the massacre. I received no reply from the Governor to the letter I just identified and did not see him until the day of Mrs. Small's funeral after the Herrin massacre.

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General Black was not present when I told Colonel Hunter that he ought to go down there. I believe General Black was at Camp Grant at the time, arranging for the summer encampment. I saw General Black quite often after his return and listened to his telephonic conversations. I think I heard all of them read and one day he said to Colonel Hunter that he should tell the sheriff to put plenty of deputies on the job and

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hold things down there. He claimed ~~me~~ to have communicated that information to Colonel Hunter; giving Hunter direction that he should see the sheriff and tell him to put on deputies enough to hold conditions down. His(General Black) stenographer, Miss Graham, was in the habit of taking those conversations down, and would read them to me. There was nothing said by General Black to me to the effect that before troops could be sent that the sheriff must make a demand.

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I was also private secretary to former Governor Lowden.

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From reports received General Black was very much

concerned and thought the situation serious. He was trying to make the county officers perform their duty and handle it.

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called as a witness before the Committee, was examined by Mr. McCarthy, and testified as follows:

I was away from Springfield, from the afternoon of April 21 until July 4th. I think it was either Tuesday or Wednesday morning before the riot that I received the first communication from Mr. Sutton saying that there was threatened trouble and that Colonel Hunter was there on the ground looking after things. The next I recall was the afternoon of Wednesday, on returning to my room from the court house I received a call from Mr. Lester. He said his name was Lester and that he was talking from the Great Northern Hotel at Chicago. He seemed to be very much excited. Said that he had some men working in the Strip mine and that there had been trouble and they were being threatened, and he was afraid they would be knocked out before the next day. I asked him if he had taken the matter up with the Sheriff. He said he had and the Sheriff refused to act. I put in a call for General Black, received an answer in a few moments. I don't know whether it was his call or mine, and told him about the call from Lester and he said, Yes, they were watching the matter very closely, that Colonel Hunter was there making reports to him, that he had ordered three companies to prepare for immediate movement and that he expected to hear from Colonel Hunter before long and would call me again.

Right after supper I received another call from General Black in which he seemed to feel very much relieved. He said everything was over, that Colonel Hunter

had arranged with the people there for the mines to stop and the people employed in the mines to leave the next morning on the trains and there would be no further trouble. But he said he expected to hear again during the evening and if there was anything new he would let me know. The next I heard, a dispatch was handed me in the court room the next morning, I think, by the Associated Press, saying there had been a number of people killed. I failed to get any word from the Sheriff or State's Attorney that day, the day of the killing, and, of course, being very anxious to get some word from him I wired both several times and finally got an answer. I don't think I got an answer until the second day.

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Exhibit A of this date is a letter I received at that time from Mr. Sutton. General Black I think called at Waukegan on Monday on his way from Camp to Springfield. I don't think he knew anything about it at that time. Whether I heard from him directly, I don't remember. I did not get that letter before Tuesday or Wednesday. I first heard from General Black Wednesday afternoon after I heard from Mr. Lester. I am not sure whether he talked to me or not, but I talked to him right after returning to the Hotel from the court room and at that time I told him what I just heard from Mr. Lester and the conversation I had. In my conversation with General Black he told me he had already ordered the three companies and I remember telling him to be sure and send enough men if he sent any. Send enough to take care of the situation. He assured me that that would be done. Of course, he understood that he could not order troops without my direction.

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Q. In your capacity, Governor, as Commander in Chief of the military forces, you would rely, would you not, upon the judgment of the Adjutant General as to whether troops should be sent or not?

A. Very largely.

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FURTHER EXAMINATION BY MR. RICE:

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My time was fully occupied at Waukegan during the trial and did not have much occasion to read the newspapers. At the time General Black talked to me on June 21st. He advised me that he had already ordered or had given directions to prepare three companies that were located near that place. He also gave me the information as to what he had learned from Hunter by telling me that Hunter was on the ground looking after things.

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I don't recall General Black referring to an attack on a truck load of non-union miners. No word came to me from the Sheriff or State's Attorney of Williamson County until after the massacre, when I telegraphed them.

FURTHER EXAMINATION BY MR. MCCARTHY:

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General Black has never taken up with me the matter of Colonel Hunter's report. From the reports received by the Commission of the National Guard Officers and what other information I was able to gather, I was and am still of the opinion that Colonel Hunter did all that he knew how to do to prevent trouble. I think he tried very hard to avoid it and was justified, in my opinion, in entering into an agreement with the people of that place that there would be no further trouble. I think he went into that agreement in good faith and I believe he was justified in making an agreement of that sort.

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I believe General Black acted as he thought was best and I don't think either of them, from any reports that I received of that very unfortunate affair, should be censured. I don't think this department is to blame for what happened. There are the conclusions I came to at the time and since.

Allen, F.M. 911

Bagley, Nellie 948
Binkley, Earl 353
Black, Charles E. 13
Borum, Moses 257
Bracey, S.F. 653
Brown, L.R. 680
Brown, W.J. 505

Cairns, Wm. 776
Cox, H.L. 481

Davis, Robert M. 100
Devine, J.P. 944
Duty, Melos 68
Duty, Melos 237

Edrington, O.R. 602

Freiss, Thomas 494

Graham, Maud 640

Hamilton, C.F. 657
Hartwell, D.T. 289
Harrin, Robert 521
Harrin, Robert 987
Higgins, Oland 357
Howell, Harry 511
Hughes, Fox 587
Hughes, Fox 799
Hughes, Fox
Hunter, S.H. 844

Jeffries, H.E. 941
Jones, Jacob 551

Kelly, F. W. 928

Lawrence, Odie 770

Makaren, A.B. 385
Mitchell, H.B. 420
Morgan, Ed 474
Mosely, A.A. 445

Mold, Andrew 677

O'Rourke, P.J. 735

Paisley, Oldham 456
Penn, Martha L. 939
Pulley, Iva H. 690

Richardson, A.F. 264
Ridlen, Willard 440

Sadler, Wm. 569
Schaffer, John 323
Schaffer, John 242
Schaffer, John 723
Shaffner, C.T. 648
Shand, R.J. 829
Slater, Herman 479
Small, Len 1007
Smith, Monroe 579
Sneed, W.J. 952
Steber, A.L. 685
Steber, M. Myrtle 648
Storrs, S.D. 203
Sutton, O.D. 992
Swanson, W.R. 917

Taylor, F.L. 814
Thaxton, Melvin 140
Thaxton, Melvin 698
Thaxton, Melvin 225
Thornton, W.A. 560
Tracey, Robert 755
Tripp, S.O. 837
Turner, O.J. 643

Vinson, George 397

Wardner, W.R. 308
Williams, Ed 791

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

Springfield, Illinois,
April 11, 1923.

In re: House Resolution No. 44.

Present: Committee on Investigation of
Herrin Massacre.

Frank A. McCarthy, Chairman
William L. Pierce,
W. B. Phillips,
Norman G. Flagg,
Thomas Curran,
M. P. Rice,
M. L. Igoe.

Witness: Adjutant General Carlos E. Black.

M. P. Daigh-Reporter.

Pursuant to House Resolution 44 the Committee met this 11th day of April, 1923, which said resolution is as follows:

WHEREAS, On or about June 21, 1922, there occurred very serious disturbances and public disorders in the vicinity of Herrin, in Williamson County; and

WHEREAS, The outcome of these disturbances and disorders was that a number of miners at the Lester Strip Mine and several miners who were on strike at the time were killed at or near the said mine; and

WHEREAS, The nature, extent and consequences of said disturbances and disorders indicate that they might have been prevented, or the extent and consequence thereof greatly limited and avoided, by the timely and efficient performance of their duties by public officers charged by law with the preservation of the peace and the prevention or suppression of such disturbances and disorders; and

WHEREAS, The causes of that disaster should be inquired into, and the facts brought to light in the interest of the citizens of Williamson County and the citizens of the State of Illinois, to the end that it may be ascertained whether the causes of such disorders and disturbances may be, in whole, or in part, removed or prevented by just and remedial legislation; now, therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE FIFTY-THIRD GENERAL ASSEMBLY, That a committee of seven members be appointed by the Speaker of the House of Representatives to investigate conditions in Williamson County contributing to or causing said disturbances and disorders, and the conduct of public officers in relation thereto, and particularly to inquire into the riots and disorders which occurred in that county on June 21, 1922.

Said committee shall report their conclusions, findings and recommendations as expeditiously as may be to the present General Assembly; and shall make such recommendations for remedial legislative action touching the subject matter of this inquiry as may be deemed necessary.

For the purpose of conducting such investigation, said committee is hereby authorized and empowered to subpoena witnesses under the signature of the chairman, to place under oath and examine such witnesses, and to issue subpoenas duces tecum for witness or witnesses, and for such books, documents, papers, memoranda or things as such committee shall deem necessary for its information in carrying out the objects and purpose of this resolution.

Said committee is authorized to require any person or persons to cause to be submitted to said committee, or any person duly authorized to act for it, for inspection and examination, any books, papers, documents or letters, of any character, kind or description.

CHAIRMAN MCCARTHY: Gentlemen, the Committee will come to order.

MR. CURRAN: We were just to meet today to map out a plan, is that not all?

CHAIRMAN MCCARTHY: We have some witnesses ready.

MR. IGOE: Let us hear them, then. What has President Harding's message got to do with it?

CHAIRMAN MCCARTHY: (Reads message of President Harding on Herrin Massacre contained in Congressional Record)

MR. IGOE: I do not see what that has to do with the investigation.

CHAIRMAN MCCARTHY: It is simply the fact that it has been called to the attention of Congress and if the Committee wishes to incorporate that in the record it is all right.

MR. IGOE: As I understand it, Mr. Chairman, some witnesses have been subpoenaed. I now move that we call such witnesses for examination.

CHAIRMAN MCCARTHY: What is the pleasure of the committee with reference to the message of President Harding to Congress with reference to the Herrin proposition? Do you wish to incorporate that as part of this record?

MR. FLAGG: Mr. Chairman, I move to put that in as a part of this record and I make that motion that we put it in there if you wish to bring it before the Committee.

MR. PHILLIPS: I second that motion.

CHAIRMAN MCCARTHY: Mike, what do you think about it?

MR. IGOE: I do not think it has anything to do with the investigation at all.

MR. CURRAN: It will not do any harm to put it in there.

CHAIRMAN MCCARTHY: All those in favor of incorporating that into the record simply as a preface to the matter, will say aye.

MR. PIERCE: I do not get what you are driving at.

CHAIRMAN MCCARTHY: Just before you came in we read the statement of President Harding to Congress, part of his statement.

... : With reference to this certain message? That is the motion.

CHAIRMAN: The motion is that this be incorporated simply as a preface to the record of this committee in this matter.

MR. PIERCE: I do not see how it has any bearing on it.

MR. IGOR: I think it is very silly, for this reason: You start out to investigate this and you put in the statement of President Harding against it to begin with.

MR. PIERCE: Supposing you let that matter stand over and see what will develop. I do not really see it, but I think we better let that rest.

CHAIRMAN: All right, let it go until we have time to go into it further.

Now, as Chairman of this Committee, I do not like to have matters occur such as occurred this morning. It may be it was my fault and looking at it in possibly that light, I would like to have the Committee, if possible, before proceeding further, determine a policy, both as to the giving out of information or as to the hearings, when and how they wish them to be conducted. I am sorry that matter happened and I want to apologize to the Committee for any fault that I may have committed that might cause it, but I think the Committee ought to determine so there will be a perfect understanding with everybody, just the policy and the line of action they wish to pursue. What is the sense of the rest of the members?

MR. IGOR: I move that the hearing of testimony be made public.

MR. PIERCE: Does the committee think we ought to have an Executive Committee meeting held?

CHAIRMAN: At least that is my opinion that there ought to be an Executive Section for the purpose of determining a policy.

MR. PIERCE: The Executive Committee has the power to hold executive sessions for the purpose of bringing before them and

and out of the regular order of the examination, any witness for examination.

MR. IGOE: No, they would not.

MR. PIERCE: No, under an investigation of this kind.

MR. IGOE: It says every hearing shall be public.

MR. PIERCE: This is an Executive Committee of the Committee as a whole.

MR. IGOE: That would not rob it of its definition as a Committee.

MR. PIERCE: There is not any doubt of an Executive Committee to call anybody before them, I do not mean that the ultimate result of the investigation would be to spread that evidence upon the record. When it comes to that, we put that record out to the public but the Executive Committee has a right to make any inquiry.

MR. IGOE: I came here in 1913 and there has never been an Executive Committee meeting of that kind.

MR. PIERCE: That does not make any difference whether it is joint or separate as far as the legal effect is concerned. It does not make any difference at all. Mr. Wilkerson and the Attorney General advised us that we would have a power as an Executive Committee to lock the doors and bring in any one, and to gather information we did not have. That is what I mean by that. This committee has got control of those matters and there ought not to be any feeling about it.

MR. IGOE: There isn't any feeling but there is no basis for that statement. This Committee is not like the daily Commission at all.

MR. FLAGG: Let me ask Igoe a question. Do you take it this Committee follows the same rules as a House Committee?

MR. IGOE: There is no question about it.

MR. FLAGG: When you read the rules that all Committees should be open.

MR. IGOE: It says all committee hearings shall be public.

MR. FLAGG: I do not take this committee as being on the same basis as those committees of the House which handle the bills.

MR. PIERCE: I am giving you an opinion of the Attorney General as to our power, that those powers are invested in this committee precisely as it would be if the Committee were an Executive Committee.

MR. FLAGG: Let me offer a motion and it may clarify matters. I want to make the motion that it is the sense of this Committee that there be a policy of this Committee that we have our hearings as open hearings except whenever a majority of the Committee, a quorum being present, may decide otherwise. I do not know how the Chairman feels about it.

MR. IGOE: You do know how the Chairman feels about it. There is a motion pending, Mr. Chairman. Point of order.

CHAIRMAN: I think your motion is a little premature. We are organizing now.

MR. PIERCE: We have to determine whether we want a Secretary. We have not elected our officers.

MR. FLAGG: Let us vote on his motion, if it is in order.

MR. IGOE: I will say very frankly, if there are going to be secret meetings, I will be one fellow that will not be there.

MR. FLAGG: We repeatedly have called executive meetings of the committees of the House time and time again in election committee contests, etc.

MR. IGOE: When that very point was raised in the election Committee not two weeks ago, I think Mr. Pierce raised it.

MR. PIERCE: I do not just exactly get the meaning, Mr. Igoe of your contention. I am in favor of all this investigation being public.

MR. IGOE: Why private?

MR. PIERCE: I am not speaking of the privacy at all. I am speaking of the functions of a side committee, of an Executive Committee not to suppress any information but to gather information, to hold it for this committee as the policy of the committee should indicate, for the purpose of preventing some escape of other information.

MR. IGGE: The Chairman has been gathering a lot of information no one bothers about.

MR. PIERCE: I do not think you mean that. To insinuate that the Chairman has undertaken to do anything here in advance.

MR. IGGE: There is no question that he has gotten out and gathered information.

MR. PIERCE: Information procured individually and without authority by this Committee are two different things.

MR. CHAIRMAN: Mr. Igge, you are mistaken.

MR. IGGE: You say this Committee has not met before. You have already issued a subpoena, have already served subpoenas.

MR. PIERCE: The Chairman could do that the moment he was appointed Chairman. The only objection the Committee -- Now this facilitates the objections of the Committee. We have had in most committees, I notice, a Chairman and a Vice-Chairman. In case the Chairman was absent, the Vice-Chairman acted in the place of the Chairman. The Chairman might be absent where it would be necessary to hold a meeting of the Committee, and it would be difficult to say who would have the power to call the Committee. I think we ought to have a Vice-Chairman and a Secretary.

CHAIRMAN: The Committee is open for organization now. But before that the motions made by two gentlemen are before the Committee.

MR. IGGE: I withdraw mine.

MR. FLAGG: The same here.

MR. PIERCE: I move, if it is proper at this time, I move that it is the sense of this Committee that we have a Vice-Chairman and that we have a Secretary to take down the minutes of the proceedings.

CHAIRMAN: Is there a second to that motion?

MR. CURRAN: I second it.

CHAIRMAN: It is regularly moved and seconded that it be the sense of this Committee that we proceed to the selection of a Vice-Chairman and a Secretary. Is there any further discussion with reference to the motion?

(Motion put and carried)

MR. PIERCE: Have you any suggestions as to who the Secretary should be? I nominate Judge Rice.

MR. FLAGG: I second the motion.

CHAIRMAN: All those in favor of Mr. Rice acting as Secretary will say aye.

(Motion put and carried)

MR. PIERCE: I move that Mr. Igoe be made Vice-Chairman.

MR. IGOE: Mr. Igoe declines.

MR. FLAGG: We will nominate Mr. Phillips as Vice-Chairman.

CHAIRMAN: All those in favor, signify by saying aye.

Mr. Phillips is nominated Vice-Chairman.

MR. IGOE: I now move, Mr. Chairman, that Mrs. Daigh be made Assistant Secretary of the Committee so that it will take the burden off of Mr. Rice.

MR. PIERCE: I second that motion.

CHAIRMAN: If there is no objection, Mrs. Daigh will act as Assistant Secretary.

I will say that I did talk with several people and I have told Mr. Igoe that I had talked with these people and that I was getting what information I could. I did that to facilitate matters and not with a view of doing anything outside of the Committee or of giving any testimony that would not be brought before this Committee. I want it understood.

MR. IGOE: There is no criticism of that at all.

CHAIRMAN: The same as I got the Congressional Record and looked that up, figuring that the Committee might want to use it. I will continue in any way that I can to find out things.

MR. PIERCE: Mr. Chairman, I move that a Committee consisting

of four, namely, Mr. Pledge, Mr. Chairman, Mr. Rice and Mr. Igoe, be selected by this Committee to act as an Executive Committee of this Committee.

MR. IGOE: I must decline to serve on that committee.

MR. PIERCE: I think you ought to serve, Mr. Igoe, because I think in that way you can govern that situation that you complained of yourself.

MR. IGOE: The thing that I complained of cannot be governed by any Executive Committee at all. I am not going into any Executive Committee meeting.

CHAIRMAN: What is the pleasure of the Committee?

MR. CURRAN: I believe in Executive Committee meetings. I do not see any reason why you should not have them. There might be loads of stuff come up there that if made public you would not get very far and could prevent this committee from getting evidence that they probably could get in holding those meetings. In public they would not be able to get this information. I know there is a demand from newspapers. Newspapers want publicity and they do not want it for the good it is doing anybody. It is to finish somebody else. They want arguments in the committee. ^{They} I want to be in a position to criticize and criticize the committee. I am one in favor of Executive meetings and if I must say, secret meetings.

MR. IGOE: I think that is absolutely uncalled for, Mr. Chairman.

MR. CURRAN: It is just a difference of opinion.

MR. IGOE: It is a wide difference of opinion.

MR. PIERCE: Now, the object of my motion, that is the personnel of the suggested committee was made for the very purpose of heading off, if you please, any questions about an Executive Committee suppressing any information from the balance of the Committee and I am putting the two men on that, that are objecting to this secret session so that they may know every word that comes before the Executive Committee as to whether they should make it public or not.

MR. IGOE: In other words, you want to run us into the barn and close the door?

MR. PIERCE: How can I close the door when you are on the Executive Committee? What complaint have you got to that?

MR. IGOE: I am opposed to any executive sessions?

MR. PIERCE: You need not hold any executive sessions.

MR. IGOE: You have a committee of seven, that is small enough.

CHAIRMAN: This situation might arise, Mr. Igoe. I take it that the Committee will have to go to Herrin. There are a lot of men down there we will want to call before this Committee and I think if it is found they have to come before a Committee and they know they are going to be called and they know what line of testimony they will have to offer, you will find two-thirds of them away when you want them. I know Mr. Pierce has that in mind. I know that it is what I feel is necessary that, if in the judgment of the Committee and any time there is testimony that might if published to other citizens leaving the jurisdiction or other citizens changing their testimony or coloring it so as to protect themselves or to injure somebody else, that we ought to control that testimony in such a way that it will not be given out until the reason for the procuring of it is passed.

MR. IGOE: I understand you have already nearly all of the testimony that was given at that hearing. You have the transcript of the testimony given before the Grand Jury.

CHAIRMAN: That covers two big trunkfulls of testimony.

MR. IGOE: What is this thing the Attorney General turned over to you?

CHAIRMAN: I asked the Attorney General for exhibits that I might give the committee so that they could determine from that what persons, if possible, they might call in down at Herrin and have their testimony before us.

MR. IGOE: Those people may be called as witnesses during the trial. They are not going to run out of town.

MR. PIERCE: Now, Mr. Chairman, I am going to explode the situation. I have been holding it back and you can see the importance of an Executive Committee. An Executive Committee of the Committee as a whole has the same power as a Master in Chancery in a Chancery Court. In other words, we can send an Executive Committee over to Herrin. The whole committee would not have to go. We could send them over to some other remote part of the county on a certain date when the Committee was in session itself, on some other branch of the case. An Executive Committee is really a detective agency, if you please, of a Committee as a whole. They investigate matters themselves and turn those matters over to the committee and they have power to go out independently of the general committee and take the evidence of the citizens. Those are some of the functions and I cannot attempt to discuss some other functions of the Executive Committee. It is an indispensable branch of an investigating body of this kind. There ought not to be any question about it at all. But because there has been some criticism about the secrecy of different proposed meetings, I am moving now to put the two men on there that have objected to it so that not one scintilla of evidence can get into this Committee or out of this Committee that they do not know is here and let them use their wisdom as to when it should be made public. As far as my connection is concerned, there shall not any distinction between a Republican and a Democrat in getting this information and making this report and in the deliberations of this body so far as I am concerned. I want it understood that nothing is going to be unfair so far my efforts will prevent it from being unfair. I want a thorough investigation made. I want the light to come out so that not only the sunlight pierces it but that the silvery moon gleams in just a little bit at night.

MR. RICE: I had not intended to take any part in this discussion until my colleagues here gets the idea that two of these objectors are put on this Committee, but I will say this, there may be a time that I will refuse to act. If I understand that the purpose of an Executive Committee would be to organize such open procedures as to this Committee should seem advisable, that they might meet and confer together to find out what would be the proper thing to do and to meet together to have people examined at our open meetings, I could not see any real material object to that, but when it comes to an Executive Committee to do the functioning of this whole committee, then I am not in on that. If you limit the powers of this Executive Committee, and I see no reason why it should be left to this Committee, other than we might meet together for the purpose of determining now just what we will do in the opening meeting. We do not have to have any regular minutes of what we do. We can meet there and we might determine on calling Bill Smith, etc. and then the Committee as a whole would issue that subpoena signed by our Chairman. If that would be the purpose of the Executive Committee, not to perform functions of the Committee itself but to prepare to perform those functions, then I might be with you. If otherwise, I would not be.

MR. PIERCE: Judge Rice cannot you limit the powers yourself?

MR. RICE: I do not want to be in the attitude of having this committee, of appointing this committee and decide what they are authorized to do. I want you to be on it. If I am put on an Executive Committee with those functions, supposing we go ahead and hold a meeting of our own?

MR. PIERCE: I do not care where you hold it. I am not objecting.

MR. RICE: Mr. Chairman, I am going to say this and follow it out with a motion. I do not believe at this time that we ought to prepare for an Executive arrangement. There may come

a time later on when we would like to function as a Committee.

I do not need to give that and so far as that is concerned, I move that we postpone the consideration of appointing any Executive Committee at this time and we may do the very things that the gentleman suggested as preparing to get together. It does not have to be in public. You have arranged to have some witnesses here. We did not have any meeting and it was not public. As to whether or not we have an Executive Committee or not, let us postpone that. I am going to move this: Lay the gentleman's proposition on the table.

MR. PIERCE: You will not need to do that, Mr. Rice. If there is any feeling in your mind, I am going to withdraw the motion myself. I withdraw the motion, Brother Rice.

CHAIRMAN: All right, with reference to what has happened I want to say something more. As Mr. Rice has said, I have talked with practically every member of the Committee and I asked about the advisability of calling certain witnesses and without any authority of this Committee I have requested two witnesses to be here this afternoon, and I shall refuse to call those witnesses, unless that action is confirmed by the Committee. Those witnesses I asked are Adjutant General Black, and I asked Colonel Hunter to be here this afternoon to testify.

MR. RICE: I move that the action of the Chairman in preparing for the opening and appearance of witnesses be approved.

CHAIRMAN: I, also, did this: I prepared a written subpoena and I served it on the Attorney General asking him to produce the records of the Grand Jury investigation in Williamson County relative to these riots and disorders, and in response to that, they told me there were two trunks full over there and they gave me the excerpts of the principal testimony given there. If I did wrong in that I want the Committee to tell me now. I assure you it was only for the purpose of expediting this investigation.

MR. RICE: My motion includes this as I stated, and in order that there be no question, Mr. Chairman, I move that this Committee hereby ratify and approve the wisdom of our Chairman in preparing in advance to have such witnesses.

MR. IGOE: I second the motion.

MR. CHAIRMAN: If that is the feeling of the Committee I do not want it to be in the form of a motion.

MR. PIERCE: I do not believe we want to criticize the Chairman.

MR. CHAIRMAN: What is the pleasure of the Committee?

MR. CURRAN: I move you, Mr. Chairman, we proceed with the hearing.

MR. CHAIRMAN: Just one more matter. The Governor's Secretary asked if there would be any objection to this Committee to furnishing him with a copy of our investigation or a transcript of this hearing.

MR. IGOE: I should not think so.

(It is unanimously agreed that the Governor receive a copy of the transcript)

MR. CHAIRMAN: If you are ready to proceed then.

MR. IGOE: I would suggest, Mr. Chairman, that when we are hearing the testimony of one witness the other witnesses be excused from the room.

MR. CHAIRMAN: I think that would be a good policy to follow the whole way through.

ADJUTANT GENERAL CARLOS E. BLACK,
having been first duly sworn, was called as a witness and being examined in chief by Chairman MacCarthy, testified as follows:

CHAIRMAN: If the Committee wish, I will ask a few direct questions and then anybody can ask any questions they please.
What is your name?

A. Carlos E. Black.

Q. What is your position at this time?

A. Adjutant General of the State of Illinois.

Q. How long have you held that position?

A. Since the 7th of February, 1922.

Q. And you are still the acting Adjutant General of Illinois?

A. Yes, sir.

Q. On or about the 21st day of June there was some trouble at Herrin. I wish you would give the Committee all of the circumstances that came to your knowledge regarding the trouble at Herrin, either on that date or prior thereto, stating your first connection with it and the first you knew of it.

A. May I refresh my memory from certain notes which are matters of record?

Q. I would say further that any documents you wish to offer in line with your testimony we will be glad to consider.

A. The first connection that I had with this was on Monday when I returned to the office. I will now go back to where I was at the time that this proposition came up.

Q. You refer to Monday, do you remember the date?

A. The 19th, Monday, June 19th. The week previous I had been out to Camp Grant attending the school for officers, non-commissioned officers and that closed on Friday or Thursday, I think, and then I proceeded to Chicago and on Saturday I went out to Camp Logan, which is forty some miles north of Chicago, to look after some equipment there for the camp.

When I returned to the office for business Monday morning I was informed by those in the office that there had been a notice in the newspaper that there was some trouble expected down at Herrin and that Colonel Hunter had tried to get me at Camp Logan and had missed me, and he had tried me at Waukegan and he couldn't get me there because I had just boarded a train and came on to Chicago, but it was reported that there had been a newspaper notice that there was some anticipated trouble at Herrin and that he had proceeded down there. It is perfectly natural that he would proceed down there. He was on duty in the office as a Personnel officer and he was to investigate laxity of officers either civil or military and he had just succeeded General Wells, whose duty it was to look after the civil authorities and where there was any trouble.

Q. Just a minute, General. Your office is located where?

A. On the first floor of the west wing.

Q. In Springfield?

A. Yes, sir.

Q. What assistants have you in that office? What office help?

A. The organization is Assistant Adjutant General, which is Colonel Shand; Colonel Tripp, Assistant Quarter Master; Colonel Hunter who is Personnel Officer, and Colonel Taylor who is Chief Clerk.

Q. All right, proceed.

A. I might explain that Colonel Shand was away on a vacation and Colonel Tripp on duty out at Camp Grant.

Q. And who was in charge of the office at Springfield, in your office?

A. That would leave Colonel Hunter in charge there, along with the Chief Clerk, Colonel Taylor.

About 11 o'clock on the morning of the 19th I got a telephone call from Colonel Hunter. He advised me that the Southern Illinois Coal Company was operating a mine with non-union miners in the vicinity of Herrin and that there was some bitter feeling as a result of this and he thought this might cause trouble and he recommended that two companies would be held in readiness for any emergency that might arise. I instructed him to advise the Sheriff that he should maintain order down there and to make further investigations and report to me later in the day, which he did. He reported to me at about 6 o'clock that night. However, as soon as I had got this report I conferred with Colonel Tripp, who had previously been the commanding officer of the regiment which was situated in that locality and instead of two companies, it was decided if there were any ordered out at all there should be three, one at Salem, one at Mt. Vernon and one at Cairo.

As I said before, I got a report from Colonel Hunter about 6 o'clock that night and he advised me that the Sheriff

had not sworn in any deputies and he did not anticipate the use of troops at that time and everything seemed to be quieting down and I instructed him to keep me advised and to stay on the job and if at any time troops were necessary to let me know.

I did not get any report then on the situation until at about 7:35 on Tuesday, June 20th, at which time --

MR. GOER: 7:35 A. M. or P. M.?

A. P. M. I got no reports during the day until that time in the evening.

CHAIRMAN: Q. Going back to the 19th. Have you stated to the Committee all of the information, or do you think of any other information that you received other than you have stated here? That is, in regard to what the situation was at Herrin at that time?

A. I only stated in a general way that he felt that there was a bad feeling engendered.

Q. What, if anything, did he say had happened there at that time?

A. What had happened?

Q. What facts did he base his report to you on that things were all right at that time?

A. You mean the first report that he made?

Q. Yes.

A. Well, he based his facts that he thought there should be these troops held in readiness because this mine was being operated by non-union miners. That was in substance what he based it on.

Q. Well, that of itself would not be sufficient to warrant the holding of troops in readiness.

A. No, no, you would not order troops mobilized for that.

Q. I just asked that in order to bring out what we want, what the committee would like to get, the facts on what he based that report that troops ought to be held in readiness.

A. It was as I presume, anticipation of some disorder from this bad feeling.

Q. Did he report to you any disorder at that time, or that there had been any trouble or evidence of the use of fire-arms or violence or anything?

A. No, not at that time.

Q. Did he later in the day when he phoned you the second time, give you any facts that would lead you to believe that there was liable to be violence used?

A. No, on the contrary. The mere fact that the Sheriff had not sworn in any additional deputies and that things seemed to be quiet.

Q. Yes. Now, that was on his second report?

A. On the second report of the first day.

Q. Now, at that time, will you give the Committee what facts he stated to you as to why troops would not be necessary at that time?

A. Because the general tone seemed to be quieting down. That is as near as I can remember but the reason was that I did not follow up the idea of following up the troop order because things seemed to be quieting down and it bore it out all the next day because there was no report during Tuesday up until 7:35 on Tuesday. That is Tuesday evening.

Q. That was the 20th?

A. That was Tuesday, the 20th.

Q. Now, have you narrated that conversation on Tuesday, the 20th?

A. Yes, that the Sheriff had not put on any additional deputies and that there was seemingly no further demand for troops or thought of them because they were not requested.

Q. Now continue.

MR. IGOE: What was that last statement? You say that troops were not requested at that time?

A. Yes, at that time.

MR. IGOE: By whom?

A. By Colonel Hunter. I understand that is the conversation we were referring to.

On Tuesday at 7:38, I got a report from him stating that things were adjusting themselves there and that the anticipated feeling that he had had on his first report that there might be some trouble, seemed to be dying down and that was verified just this way: That it was evidently true because of the fact that he did not see fit to report during that day only making the one report at the end of the day.

CHAIRMAN: Q. And that was all he reported on Tuesday?

A. Yes, that the situation was adjusting itself and that he felt there was no cause for alarm, or words to that effect and, also, that the citizens were cooperating. I believe that there had been some citizens movement there.

Q. Did he tell you that in the conversation over the telephone?

A. On his report at 7:35, as I recall. Yes, he mentioned that the citizens there were cooperating with the officials.

Q. When was your last conversation?

A. The last conversation was on Wednesday, the 21st, about 1 o'clock in the afternoon. He advised me of the organization of a citizens committee and the purpose for which it was organized was to cooperate with these officials and if I am not mistaken, he was at one of these meetings at luncheon that day and it was his ~~prevailing~~ belief that this cooperation would be conducive of the desired results.

About 3 o'clock in the afternoon I got a call from him in which he stated he had received some reports of trouble over at the mine and that he had got in touch with the Sheriff's office and had advised the Sheriff of this trouble and suggested to the Sheriff that he go out and investigate these reports. At this time he expressed to me the belief that the Sheriff could handle any situation.

Q. At that time did he say whether or not any deputies had been sworn in?

A. No, I do not recall about any deputies any more than that the Sheriff so far as he knew, was functioning and took care of the situation.

Later on in the afternoon I got a call from a Mr. Lester who, at that time was in Chicago, and I believe he told me that he was calling from the Great Northern Hotel. I am not, however, sure of that and he told me that there had been some trouble at the mine. I do not know what time this call was. It was after this 3 o'clock call.

At 4:42 that afternoon, in response to this information that I got from Mr. Lester, I called the Commanding Officers of each of the three companies. That is, the one located at Mt. Vernon and the one at Salem and the one at Cairo, and I advised them to have their telephone lists ready and be ready for a call. The reason I done that was because I felt if this report was true that Colonel Hunter would, sooner or later, find this out and report to me and I would have just that much done so that these troops could be mobilized that much quicker, if the regimental commanders could have their lists already.

I did not receive any reports from Colonel Hunter until about 6:30 then that evening in which he told me that there had been some sort of demonstration out at the mine and that he had been successful in arranging a truce with them and that everything was settled satisfactorily; that there was no cause for apprehension any more. At that time I advised him that I had notified the three company commanders there and he said that there was no reason for any more apprehension because this truce had been arranged. At that time I told him to keep on the job and call me back later on in the evening and report. He did call me back about 11 o'clock that night and verified the previous statement that he had made that everything was quiet and that was the last report then that I received from him previous to the actual happening.

Q. Going back to your report, I believe at 4122.

A. Yes, sir. That was when I put in a telephone call for those troops.

Q. What time was it when he reported to you that there had been some disturbance at the mine?

A. At 6 o'clock that night.

Q. Did he tell you what that disturbance consisted of?

A. As I recall, that there had been a mob that had done some firing. Then he told me there had been two union men killed. I think one of them was Henderson.

Q. What time was that?

A. At 6 o'clock.

Q. Was that all of the details he gave you of the occurrence at that time?

A. Of course, he told me he had arranged this truce and he felt that everything would be all right.

Q. Did he report to you the parties he had arranged the truce with?

A. I do not recall whether he did or not.

Q. I mean as to whether he arranged it between the opposing factions?

A. Yes, between opposing factions.

Q. Did he state what he had done with reference to the troops? The facts with regard to the troops?

A. Yes, he stated, I explained that, that they had put up a white flag in there and that there was no further cause.

Q. Did he state they had had a conference or something of that sort between the contending factions?

A. I did not say that they had had a conference.

Q. Upon what basis did he leave the impression with you that a truce had been perfected?

A. On what basis? With his conversation with me. He told me he had.

Q. That must have been the result of a conference.

A. That he had with the different people.

Q. Then do you remember now or do you remember whether

he reported at any time that the contending factions had met together and arranged the truce?

A. No, I do not recall that. I recall he said he had arranged it.

Q. Was it your impression at that time that the contending factions had gotten together and arranged the truce or that he had talked with one faction and then another?

A. Oh, no, that he had arranged that truce with both factions.

Q. I mean in joint conference or separate conference?

A. I cannot say, I recall what my impression was on that detail. The impression was that everything had been settled satisfactorily.

Q. Now, then, you say that at 11 o'clock he reported to you that everything was quiet?

A. Yes, he confirmed his previous conversation.

Q. When was it that he reported that the stores had been broken into and that arms had been secured?

A. He did not report to me that these stores had been broken into and arms procured.

MR. IGOE: Have you the copy of the report that Hunter made to General Black?

CHAIRMAN: Yes, I have that report here. (Hands report to Igoe) Did you have notice, General, at any time that the miners in there about the mine had broken into the stores and procured arms, or that they were arming at that time?

A. No, I never knew of anything like that.

Q. No, I mean just the arms.

A. No, I never knew of any shooting.

Q. Did you know that the miners were carrying arms at that time?

A. No, not the miners.

Q. At any time was that information given to you or did you have any information?

A. No, I have no information on that at all.

Q. Did Mr. Hunter report to you in regard to the miners being armed, the union-miners?

A. No, sir.

Q. What, if anything, did he report to you with reference to men who were working at the mine?

A. He reported to me that they were armed, these guards were and that, as I recall a detail of that, that they were out on a road.

Q. Do you remember of any trouble between somebody in or near Williamson County with some non-union miners that were being brought over from Carbondale?

A. No, not at that time.

Q. You had no information up to that time?

A. As I recall, I had no information at that time.

Q. All right, now continue from your last telephone conversation.

A. That was at 11 o'clock at night was it?

Q. Yes, sir, on June 21st.

A. Now at 11 o'clock at night, that was the last communication I had and on arriving at the office the next morning I was advised that there had been some shooting and some casualties down at the mine. At 9:30 I put in a call for Colonel Hunter and I talked with him at 10:20, and I advised him with reference to what I had heard and he expressed surprise at it that he had not heard that and I told him to go out and investigate and report back to me. I received no report and at 11 o'clock I put in a call for him again and I did not get him until 11:33. I believe the record shows all that, and he verified the report that I had given him that morning that there had been this massacre down there and that there had been a number of people killed and a number wounded.

Q. What time of the day was that?

A. What time was what?

Q. That he reported the result of his investigation?

A. At 11:33.

Q. When you called him up?

A. Yes, sir. I called at 9:25 in the morning and talked with him at 10:20 and at that time I told him what I had heard and I directed him to make an investigation and check up on this report, and not getting any report, at 11 o'clock I put in a call for him and was able to get him at 11:33 and that is when he verified the statement.

Q. Are you acquainted with the geography of Williamson county?

A. Just slightly.

Q. How far is it from Marion to the place where this massacre occurred?

A. I cannot answer that question. I never was at Marion. My route there I went to Carbondale, drove over to Herrin and out to the mine and then came back to the mine and over to Johnston City. I did not go to Marion. I do not know how far it is.

Q. You stated you had ordered troops held in readiness at Salem. How far is Salem from the place where this occurred?

A. If I remember, in the adjoining county. There is Salem and Mt. Vernon on the C. & E. I. Railroad and then south is Cairo.

Q. Did they have direct connection with Herrin or that locality?

A. No, they would not have. They would have to go down there and come over on the Illinois Central.

Q. What other towns did you have troops held in readiness?

A. Just those three.

Q. Mt. Vernon, Salem and Cairo?

A. Yes, sir.

Q. How far is Cairo, approximately?

A. And it would only be a guess if I would guess.

Q. Do you know how far Mt. Vernon is, approximately?

A. No, I could not tell you. I suppose thirty or forty miles.

Q. Now, in the event that Colonel Hunter would have considered troops necessary and would have ordered troops, who would have given those orders, you or Colonel Hunter, to have the troops sent? Would he at first have communicated with you?

A. Ch, yes.

Q. And then those troops would have been sent on upon your order?

A. Upon my order with authority of the Governor.

Q. But Colonel Hunter cannot order troops. The thing he can do is to request that they be sent in and then they would be sent in?

A. Yes, sir.

Q. Then, in his capacity as Assistant Adjutant General--

A. No, he was Personnel Officer, acting as a member of the office.

Q. What authority, if any, did he have at Herrin as a representative of your office?

A. His duty would be to advise me of the necessity of troops and if they were required, to tell me that they were required.

Q. And had he made a request for troops at that time what in your judgment, would have been your action?

A. I would have sent them down there by the first train.

Q. Without any further investigation?

A. Yes, sir.

Q. During these two or three days preceding the trouble there, did you receive any reports from anybody else at Herrin or Williamson County?

A. No, sir.

Q. One of these reports said something about a call from the Herald Examiner with reference to--

A. Oh, yes, I recall now what you mean. At 6 o'clock on the night of the 21st I had just gotten through my conversation with Colonel Hunter at about 6:30 and Colonel Shand called me up. He said he had gotten a report from the Herald Examiner or rather a telephone call from some one of the reporters,

saying that he had not seen any troops at Herrin and wanted to know if any troops had been sent out, and Colonel Shand said he had no knowledge of any being sent out and he called me up just as I hung up the receiver from this conversation with Colonel Hunter, and told me about this and Colonel Hunter said everything was quiet there. That was the conversation I believe you referred to.

Q. Yes. During one or two days preceding the trouble there, was there any other officer who, is under you or in your Department, who had any knowledge directly or indirectly of what was going on in Herrin?

A. Yes, sir. Major Davis, who is in command of the Battalion Headquarters Company at Carbondale accompanied Colonel Hunter over there on Sunday, but I believe that he returned. He went over on Sunday and returned on Monday. He went over at the personal request of Colonel Hunter.

Q. Did he make any report to you?

A. He signed Colonel Hunter's report.

Q. When did you get Colonel Hunter's report, prior to this occurrence, or afterwards?

A. You mean his written report?

Q. Yes.

A. It was received in the office on July 5.

Q. And that was the first report you had had from Major Davis with reference to what happened there?

A. Yes, sir. That was the first report regarding what had happened. I talked with Major Davis on other propositions because you see on the 23rd we mobilized the 130th Infantry and I do not recall that I ever talked to Major Davis about that report there. I had conversations of a military nature regarding the anticipated movement of troops there.

Q. Did any of the other men in your department report to you anything with reference to the trouble at Herrin? I mean Colonel Shand, prior to its happening? I mean Colonel Shand or Colonel Taylor?

A. Colonel Shand reported this conversation he had from this newspaper man.

Q. Anything else?

A. No, sir.

Q. Colonel Taylor make any report to you?

A. Regarding the condition at Herrin?

Q. Yes.

A. No, sir.

Q. Of any reports he might have had?

A. With reference to the condition? No, sir. I was in the office all of the time and the reports were coming to me and not to him.

Q. Is there anything further, General, that you want to add that you might think might be of value to this committee?

A. I do not know. I have covered the ground.

Q. If you had received a report that there had been persons killed there, that is on the 22d, I believe that was, would what ~~did~~ you then do with reference to avoiding any further trouble?

A. I might say that on the night previous to the trouble, when I heard about this truce being arranged, it looked to me like a proposition not so much for the military as it was for some one who knew conditions and I got permission and sent Mr. Medill down there?

Q. Who is Mr. Medill?

A. Mr. Medill is Superintendent of Mines and Minerals, and I might say that Mr. Medill went down there as he is my equal and not inferior officer.

Q. What day?

A. He left at about 2 o'clock on that Traction here for St. Louis, as I recall, on the day that it happened. That is 2 A. M. and I do not know just what time he got down to Herrin. He went directly there and I advised Colonel Hunter to get in touch with him and get his opinion of the condition there and they both agreed there would be no reason for sending troops in.

Q. You say 2 A. M. That would be the day following?

A. No, it would be the day of. 2 A. M. of the 22d. You see I talked with him at 11 o'clock on the 21st, following that I had a conversation with him and asked him to go down and he took the next train down.

Q. Then he started before the massacre had really occurred?

A. He started at 2 o'clock, and then he did not get down there until after it happened.

Q. What further was done?

A. After Colonel Hunter had verified this report, I told him to get in touch with Mr. Medill and advise what action should be taken with sending troops in there because we had these troops ready, and they both were of the opinion that troops should not be sent in at that time. Subsequent to that then, on the strength of not sending troops in there was a military committee headed by General Foreman, composed of Colonel Swanson, Colonel Allen, Colonel Richmond, Major Rand and Major Dolan.

Q. Who appointed that committee?

A. I appointed them at the instruction of the Governor.

Q. What was their purpose?

A. Their purpose was to go down there and verify that condition. We were holding the 107th Infantry at Chicago and the 130th Infantry and Machine Gun Corps of the 131st Infantry.

Q. When did they begin their investigation?

A. They ^{left} ~~reached there~~ on the night of the 23rd, I believe, and reached there on the morning of the 24th, if I am not mistaken. They made the investigation on the forenoon of Saturday. They made the investigation Saturday morning, June 24th. The report was made at 11:45 A. M. by General Foreman.

Q. He did not give you a written report?

A. No, sir.

Q. Have you ever received a written report?

A. No, sir.

Q. Have you in writing, and as to submit to the committee here, a transcript or purported transcript of the conversation you had with Colonel Foreman?

A. Yes, sir.

Q. You do not need to read it if you will leave it with us.

A. Maybe I have it here. Is this the one you refer to?

(Handing him document)

Q. Yes, sir.

CHAIRMAN: Anything that you gentlemen want to ask General Black?

MR. PHILLIPS: I would like to ask if there was ever, at any time, a request for troops sent to you?

GENERAL BLACK: No, sir.

CHAIRMAN: Any further questions?

WHEREUPON, the witness, General Carlos E. Black, was examined further by Mr. Igou and testified as follows:

Q. What was the first intimation you had of the massacre at Herrin?

A. When I came to the office on the morning of the massacre.

Q. From whom did you get that information?

A. I cannot tell you the identical person. It was Colonel Shand and Colonel Taylor, as I remember were talking and that was my first information.

Q. That was June 22d?

A. Yes, sir.

Q. You do not know whether you got it from Colonel Shand or Colonel Taylor?

A. No, sir. It was in the office when I got there.

Q. In what form was it in the office?

A. A report.

Q. A verbal report?

A. Yes, sir.

Q. Do you know from whom that report came?

A. No, I do not.

Q. Do you know any one who would know from whom that report came?

A. Colonel Shand or Colonel Taylor might know from whom that report came.

Q. Is there any official record made in your office where or from whom that report came?

A. No, sir.

Q. Do you know what the substance of the report was?

A. That there had been some people killed down there.

Q. At Herrin?

A. Yes, sir.

Q. Then, as I understand it, you called up Colonel Hunter and you talked with him over the telephone and he told you he had not heard of that.

A. He said he did not know it, that there had been any one killed.

Q. You talked with him about 11 o'clock, did you not?

A. No, sir, I talked with him at 10:20 the first time.

Q. You have this report Colonel Hunter made to you which was received July 5th?

A. Yes, sir.

Q. Have you that report there?

A. Yes, sir.

(Mr. Igoe looks through report.)

GENERAL BLACK: Are you looking for that notation?

MR. IGOE: That was the only conversation he had with you that morning?

A. No, sir. I had a conversation with him at 10:20 and one at 11:30.

Q. Is there some where in this report where he said at 8:30 he went out to the mine that morning?

A. Yes, sir.

Q. This massacre occurred between 5 and 6?

A. Yes, sir.

Q. And he told you he went out to the mine at 8:30?

A. Yes, sir, because the massacre did not occur at the mine.

Q. Where did it occur?

A. Between the mine and Herrin. These people were on the road up to Herrin.

Q. Let us get this straight. As I understand it, when you talked with Colonel Hunter at 10:20 he told you he had been to the mine at 8:30 and he had come back to Marion and at that time he did not know there had been any massacre at the mine?

A. Yes, sir.

Q. Where does he say that?

A. No, I said that.

Q. This report indicates the only time he talked to you was 11:15.

A. Yes, sir.

Q. He does not refer to any conversation at 10:20.

A. No, sir.

Q. And he says at 11:15 he told you about everything that had happened at the mine?

A. Yes, sir.

Q. He does not say that he had any knowledge. He says they went out there and tried to protect the property. Is that in it?

A. Yes, sir.

Q. At 11:15 he says that he talked with you on long distance telephone, giving you what information he had of the matter. That is all of the information contained in this report. Is that correct?

A. Yes, sir.

Q. The information he gave to you at 11:15 is the information that precedes that part of the statement where he says he talked with you at 11:15.

A. Yes, sir.

Q. Did you notice the continuity of the report?

A. Yes. Well that is where I cannot account for it.

MR. IGOR: He says: "We could not locate the Sheriff until about 8:30 A.M. We then accompanied him with one deputy sheriff to the mine. On arriving there we encountered a large crowd, between 1200 and 1500 men. We were informed that at about 5:30 or 6:00 o'clock the white flag at the mine was taken down. Immediately, however, it was put up again. At this point we were advised that the mob was excited to immediate action by the arrival of recruits from surrounding towns and it was decided to ask the non-union workmen to surrender and lay down their tools and arms. The Union miners then called on the non-union miners to surrender without resistance, this they did with assurances that the terms of the truce would be carried out."

GENERAL BLACK: I think that would fit in much better down after this: "On making inquiries of the people we learned that the massacre had occurred."

MR. IGOR: Q. You never asked him to change this report?

A. No, sir.

Q. This report has been on file in your office all this time?

A. Yes, sir.

Q. You never objected to it?

A. No, sir.

Q. So far as you know it is authentic and represents the facts as set forth in the report? That is true, isn't it?

A. It may represent the facts so far as he states them.

Q. You do not know that they would be any different, do you?

A. I know certain facts to be different.

Q. Which facts do you know to be different?

A. I know I had a talk with him at 10:20.

Q. Did you ever request him to change this report?

A. No, sir.

Q. At no time?

A. No, sir.

Q. Did any one else ever request it?

A. No, sir.

Q. You say no troops were ever asked for?

A. Yes, sir.

Q. Are you sure about it?

A. Yes, sir.

Q. Have you read this report carefully? It says in here that no troops were asked for?

A. That no troops were asked for from me.

Q. You were requested to send troops, were you not?

A. No, sir.

Q. You told him you would not send troops unless local authorities requested them?

A. No, sir.

Q. Is it not in this report?

A. Yes, sir.

Q. In this report he asked you to send reports, didn't he?

A. No, sir.

Q. Did you ever hear of Mr. Lester making a request of the Governor for troops?

A. He called me.

Q. What did he say?

A. He said there was trouble at Herrin and he thought troops ought to be sent there.

Q. When did he call you?

A. Between 3 o'clock in the afternoon and 4:30.

Q. What day?

A. On the 21st.

Q. That was day before the massacre?

A. Yes, sir.

Q. At that time you had how many companies mobilized?

A. Three.

Q. And they were within easy access of this place, were they not?

A. Yes, sir.

Q. What did Lester tell you at that time?

A. He said there had been some trouble at the mine.

Q. Some men had been killed?

A. No,

Q. He said there was trouble down there?

A. Mr. Lester was a hard man to understand over the phone and was excited.

Q. Did you not know there were two union men killed the day before?

A. Yes, sir.

Q. Was that not what Mr. Lester was talking about?

A. No, sir.

Q. Did you ever make any notation in your office as to what Lester did talk to you about?

A. No.

Q. Lester called Hunter, too, did he not?

A. I think he called Hunter, yes.

Q. The same day?

A. Yes, sir.

Q. And was that not the day these two union men were killed?

A. I think that was when Henderson and this other fellow was killed.

Q. Yes, and did not either Lester or Hunter tell you that day these two union men had been killed?

A. I do not recall what Lester said. He was very excitable. I cannot recall he had told me anything about that.

Q. You can understand Hunter over the telephone?

A. Yes, sir.

Q. And did Hunter ever report to you that two union men had been killed?

A. No.

Q. And did Hunter ever report to you that non-union men had been attacked?

A. No.

Q. You have this report there now?

A. Yes, sir.

Q. Will you just look at paragraph 10. Have you there "At 1:25 P.M. I called you on long distance and talked with you at 1:37 P.M."? That is on Wednesday, June 21st?

A. All right, I have it now. (Finding page in Colonel Hunter's report)

Q. "At 1:25 P. M. I called you on long distance". Have you that?

A. Yes, sir.

Q. Did he call you at that time?

A. It was about that time. Close enough to be the same telephone call.

Q. He told you then of the attack on the truck?

A. No, sir.

Q. That part of his report is incorrect? Is that in the report there?

A. Yes, sir.

Q. And that has never been changed?

A. No, sir.

Q. And did you ever complain to Hunter that that report was not right?

A. Yes, sir.

Q. Did you tell him that verbally or in writing?

A. Verbally.

Q. And what reply did he make to that? And so far as he is concerned the report stands as he sent it in?

A. There has not been a change made in it.

Q. And even though you thought it was wrong you let it stand as it is?

A. I have no authority to change his report.

Q. If it is incorrect you have no authority to change it?

A. It is his report.

Q. He says: "and talked with you at 1:37 P.M. advising you of the reported attack on this truck carrying a number of non-union workmen to the mine of the Southern Illinois Coal Company." And this is, also, in there: "Also advised you of the organization

of this citizens' committee."

A. That is what he advised me about.

Q. Yes, and in the meantime he said he had received information that the Herrin Supply House had been visited by the miners and a few guns and between 2,000 and 3,000 rounds of ammunition had been taken. He gave you that information, did he not?

A. No.

Q. And two more stores visited? by the miners were Turners Hardware Store, at which place they secured about 1500 pounds of ammunition. Another was the Brady Hardware Store where they secured approximately 1000 pounds of ammunition. Did you ever hear about that before?

A. Which, about the securing of this?

Q. Yes.

A. Not over the phone.

Q. The next sentence: "I communicated this information to you when I talked with you at 1:37 P.M."?

A. That was left out and thrown in above.

Q. That is what you say about it. He says he communicated this information to you. Did you ever file any charges against this man Hunter?

A. No, sir.

Q. Have you ever reported him to the Governor and asked his discharge for making this incorrect report?

A. I have reported it.

Q. Reported to whom?

A. To the Governor.

Q. What was done as the result of your report, if anything?

A. There has nothing been done so far.

Q. Hunter still holds the same position?

A. Yes, sir.

Q. (Reads from report) "You inquired if I had given Sheriff Thaxton this information and I told you that I had not as the Sheriff was out of the city but would communicate it to the deputy

and ask him to make an investigation and if necessary go to Herrin and ascertain the facts in the case and use his best efforts to suppress any disturbance and to disburse any large crowd of miners and prevent the formation of a mob." If the Sheriff was out of the city did he tell you that?

A. No, he did not. In fact I know that he did not.

Q. Now read on further down there: "At 3:10 P.M. Superintendent C. E. McDowell called me on the phone informing me that a crowd of miners had marched on his mine and in his opinion approximately 500 shots had been exchanged. McDowell then stated that he had been trying to communicate with Sheriff Thaxton for the purpose of making a request for protection, further advising me that he was unable to get in touch with the sheriff and requested me to do so for him conveying his request. I immediately got in touch with the Sheriff's office and was advised that the Sheriff had not returned. I then instructed deputy Sheriff Storm to call on all available deputy sheriffs and proceed to the mine to disburse the mob which had formed there and to remain there to maintain order until the Sheriff returned, suggesting to him that it would be well for the Sheriff to request the Governor for troops immediately." That is in the report, is it not?

A. Yes, sir.

Q. "I then communicated this information to you". Did he communicate that information to you?

A. (Reading further from report) "advising you of the situation and that the Sheriff could not be located and informed you of McDowell's request for troops." On that day Colonel Shand, Colonel Tripp, Colonel Taylor and myself were all in my office working on an encampment order. They were present at that time when this telephone call came in. I took the telephone call because it was on my own phone and there was no report made of that at all. A man would have been inhuman if he could have turned around and have started in on his work again if he knew that there was a request for troops. There were those three

gentlemen sitting there in the afternoon and I think if you will call them they will give you the one side of the telephone conversation.

Q. What is the side of the telephone conversation that they will give us?

A. They will tell you that they heard me ask him if he thought the Sheriff could handle the situation.

Q. Yes, what else will they say they heard you say?

A. I do not know what else they will testify to.

Q. They will testify to what they heard of one end of the conversation?

A. Yes, sir.

Q. What is the one end of the conversation?

A. They will testify, as near as they can remember, that I asked this question.

Q. What question did you ask?

A. I asked him if, in his opinion, he thought the Sheriff could handle the situation.

Q. Is that all you asked him?

A. I do not recall.

Q. What do you say you said at that time?

A. I told him to keep after the Sheriff and keep on the job, or words to that effect.

Q. You told him to keep after the Sheriff and keep on the job. That was at 3 o'clock in the afternoon of June 21st?

A. Yes, sir. He expressed to me at that time he believed the Sheriff could handle the situation.

Q. How soon was it after that you got the telephone call from Lester?

A. I do not remember exactly what time it was. I know we were through our ^{conference} ~~session~~ and I know what I did immediately as soon as I got the telephone call from Lester.

Q. What did you do?

A. I put in a call for these troops.

Q. What do you mean by that?

A. I put in a call to these men there to have these troops.

Q. You do not mean you ordered the troops out?

A. No, I did say that. To have the telephone lists ready waiting for the call, if this report was verified by Colonel Hunter.

Q. But you just talked to Colonel Hunter and he assured you everything was satisfactory.

A. He did at 3 o'clock.

Q. And then soon after that a private citizen called you up and gives you information which causes you to get your troops in readiness to move?

A. I did not say I got them in readiness to move. I told them to get ready for a call.

Q. But you did that because of the information you got from Lester? Not because of anything you heard from Hunter?

A. No, because I did not have any information from Hunter.

Q. What he told you satisfied you everything was all right?

A. Yes, sir.

Q. Just what was it Lester told you?

A. He told me there was some trouble.

Q. That there had been some shooting then?

A. I do not recall.

Q. He told you about the two union men being shot, didn't he?

A. He may have. I do not recall. He is very excitable, but I did get, by questioning him, what he had on his mind.

Q. But you, in the presence of these witnesses that you say you can produce, you told Hunter to see that the Sheriff got on the job?

A. To see that the Sheriff did his duty.

Q. And you, also, advised him you could not send the troops out unless the civil authorities asked them?

A. No, I did not.

Q. What is in the report?

A. Yes, sir.

Q. How many times?

A. Twice.

Q. Did you ever have it taken out?

A. No, sir.

Q. You told him that was in the law?

A. Yes.

Q. You know that is in the law now, do you not?

A. How is that? I know it now as well as at any other time.

Q. What is the law with regard to when troops can be called out?

A. Whenever there is a mob threatened or violence, the Governor can call out the troops.

Q. That is all he needs, isn't it? Nothing that Hunter told you over the telephone in any way intimated to you that there was any mob there or any violence threatened or riot about to be held?

A. No, sir.

Q. So far as you understand, everything was going along harmoniously there?

A. Yes, sir.

Q. And the Sheriff could handle the situation?

A. Yes, sir.

Q. And a truck load of non-union men had been attacked?

A. I did not have the information about the non-union men.

Q. And you did not hear anything about this ammunition being taken?

A. No, sir.

Q. And you did not hear anything about the violence?

A. No, sir.

Q. And then this report is just a complete tissue of lies, is it?

A. You can call it what you want. It is not a correct report.

Q. It is a nice way of saying it is an untruthful report or based on a lie, isn't it? Is that about the situation?

A. Colonel possibly says things after this has happened that he did not say before.

Q. You think he imagined a lot of this stuff?

A. No, I do not say that. I cannot speak what is in his mind.

Q. You are stating what you think his eyes have beheld. That is just your guess about it, isn't it?

A. Place it any way you want to.

Q. You have in your office on record, this report signed by Robert W. Davis, as well as Hunter isn't it?

A. Yes, sir.

Q. And he is guilty of making this untruthful report as well as Hunter, isn't he?

A. No, I would not say so because Davis was not there.

Q. Was not where?

A. Was not at Herrin or with Colonel Hunter when all of this happened. He was there on Monday and did not get back until the night preceding.

Q. The night preceding the massacre?

A. Yes, sir.

Q. The massacre occurred Thursday?

A. Yes, sir.

Q. And he was there then?

A. Where?

Q. At Marion?

A. Yes.

Q. Did you ever hear that Lester called Hunter at Marion and requested him to send troops to his mine?

A. When I read the report I did. That

Q. That is the first time?

A. Yes, sir.

Q. And do you know Mr. Lester was advised to call on the Governor and get in touch with you?

A. No, I do not know anything about that.

Q. You are positive that Hunter told you troops could not be called out unless civil authorities requested it?

A. Yes, sir.

Q. Still you have never sent any official communication to Colonel Hunter advising him that this report is incorrect, have you?

A. No.

Q. There is nothing in your office indicating wherein this report is incorrect, is there?

A. What would you mean by that?

Q. Any communication you got up or any records you have which indicate this report is incorrect?

A. Not as a matter of record, no, sir.

Q. Did you ever receive telegrams from Lester?

A. No, sir.

Q. Did you ever receive a telegram from any person or company concerning this situation?

A. No, sir.

Q. Was any paper or telegram turned over to the Governor?

A. No, sir, not before it happened.

Q. Did you ever talk to the Governor before this happened?

A. Yes, sir.

Q. When?

A. Several times. I know that I talked with him right after I talked with Colonel Hunter in the evening before it happened and again after I had the conversation with Colonel Hunter at 11.

Q. At 11 o'clock the night before it happened?

A. Yes.

Q. And when before 11 o'clock did you talk with the Governor about this?

A. After my conversation with Colonel Hunter at 6:30 or 7.

Q. And was anything said as to whether troops should be sent in?

A. We had talked about it but conditions did not warrant it, the only report we had was from Lester and that was not verified by Colonel Hunter's report at 6:30. It was verified there had been trouble and all trouble was over.

Q. You say at 6:30 Hunter told you all trouble was over and a truce had been arranged?

A. Yes, sir.

Q. Is that in the report?

A. Yes, sir, on page 9 in the center of the paper. It says there: "At 6:17 P. M. I put in a call for you and talked with you at 6:45 P. M. advising you of the truce. Also, advising that the firing had practically ceased as McDowell had advised me that there was hardly any firing except an occasional shot which he thought was fired in the air. You expressed satisfaction that the truce had been arranged and inquired if Major Davis was with me. I informed you that he was in Carbondale but would return to Marion on the 9:00 o'clock train that evening, Wednesday."

Q. And even that information did not suggest to you there was any reason for troops down there?

A. The report that there was nothing doing.

Q. That report says nothing was done?

A. That is what it says.

Q. It looks to me like Civil War, that fighting had ceased and truce had been declared, and men on both sides were resting on their arms.

A. It does not say that.

Q. What does it say?

A. I just read it to you.

Q. What does that mean to you?

A. It means there was no cause for apprehension. He was successful in preventing any further trouble.

Q. That means there has been a battle there?

A. Not necessarily.

Q. Didn't the killing of these union men convince you there had been some battle there?

A. Two men do not mean a battle.

Q. Did you think only two men were involved?

A. ^{He} I said two men being killed, but even when ^{he} I said that, a truce had been arranged and that the feeling had quieted.

Q. You did not see anything in that to call for any action on your part?

A. No, sir.

Q. That part of the report is correct?

A. Yes, sir.

Q. Is there any other part of the report correct?

A. Yes, sir.

Q. Which other part?

A. There are various parts. I cannot pick them all out.

Q. Did Hunter ever tell you the Sheriff did not do his duty down there?

A. In his first report he told what might be some apprehension on that score. When he reported at 11 o'clock on Monday.

Q. At that time he practically told you the Sheriff was not doing his duty down there?

A. No, he did not say he was not doing his duty. He said he was afraid he might not do his duty if the occasion came up.

Q. That is in the report? You remember his having told you that?

A. Yes, sir.

Q. That part of the report is correct?

A. Yes, sir.

Q. He told you the Sheriff would do his duty if some contingency arose. He advised you of that situation?

A. Yes, sir.

Q. Just what part of a situation do you require before you think it is necessary to send troops into any place?

A. You have to have some evidence there is going to be some trouble or that trouble is going to occur?

Q. And from what Lester told you and from these telephone conversations you had with Hunter you were never of the opinion there was such a situation there that would call for the sending of troops into that zone?

A. No, sir, or I would have sent them, as evidenced by other places that I sent them.

Q. When was it that you first heard of any trouble at Herrin?

A. Monday morning, when I came to the office?

Q. Who told you about that?

A. I think Colonel Taylor.

Q. Is Colonel Taylor still in the office?

A. Yes, sir.

Q. Is he available?

A. Yes, sir.

Q. He told me that they had read something in the paper that morning and that Hunter went down to investigate it.

Q. They read something in the paper what morning?

A. Saturday morning, the 17th.

Q. And didn't he tell you at that time it looked like there was going to be a lot of trouble down there?

A. No.

Q. Didn't he tell you that State's Attorney Duty had so told Colonel Hunter on Saturday, the 17th?

A. No, I do not recall that conversation.

Q. That is part of the report here, too, isn't it?

A. Just what part is it?

Q. "On Saturday, June 17th, I talked with State's Attorney, Delas L. Duty of Marion, Illinois, relative to reported disorders at the above captioned mine and was informed by Mr. Duty that the

situation was not at all favorable, and in his opinion there was some likelihood of trouble at this mine." That is part of the report, isn't it?

A. Yes, sir.

Q. And when you got back here Monday morning you just took it up with Colonel Taylor?

A. Colonel Taylor talked or took it up with me.

Q. With you, and he just said there had been a newspaper story?

A. Yes, sir.

Q. Didn't tell you anything about Hunter having talked with the State's Attorney?

A. No, sir.

Q. Is Taylor over Hunter or under him?

A. I would say in one way Taylor would be over Hunter and Hunter over Taylor as far as his personnel work is concerned.

Q. When you leave the office, which is superior to the other?

A. For personnel work, Colonel Taylor would be. If it came to a disturbance like this, it would be Colonel Hunter.

Q. Did you ever hear the day the State's Attorney advised them down there?

A. No.

Q. You never heard it before?

A. Not before I read it in this report?

Q. So far as you know that is correct?

A. I say I do not know whether it is correct or not. I have no way of knowing.

Q. This is in Hunter's report, is it not? "Mr. Dwyer, the State's Attorney, said he would not call for troops under any circumstances?" That is in Hunter's report, isn't it?

A. Yes, sir.

Q. Did Hunter ever talk to you about that before he filed this report in your office?

A. About what?

Q. About the State's Attorney having advised the Sheriff

not to call for troops?

A. I do not recall any conversation on that.

Q. And you say now that you never told Hunter that troops could not be sent down there unless the civil authorities asked for them?

A. I did.

Q. You folks have any form of punishment or penalty in your department for an officer who makes an untruthful report?

A. I had not given that serious thought.

Q. You say you had not?

A. No.

Q. You gave it enough thought to take it up with the Governor?

A. Yes.

Q. Did you tell him this report was untruthful?

A. I told him there were features in it that were.

Q. Did you tell him which features they were?

A. No.

Q. So that the Governor does not know which part is true and which part is untrue?

A. No, sir.

Q. Did you ever talk with Senator Sneed about this business?

A. I have talked with him but not about this report.

Q. Did you ever talk with Sneed about this proposition at the time this was occurring?

A. No, I do not recall any conversation with Sneed.

Q. Did you ever talk with Sneed during the month of June last year?

A. No, I do not recall any conversation.

Q. Was he ever in your office before it occurred?

A. Not that I remember.

Q. You do not remember any telephone conversation you had with him?

A. No.

Q. And you do not recall any ~~talk~~ conversation between you and him?

A. Not before it occurred.

Q. If I understand you, the first time you were aware of the massacre was when you got news - a telephone call from the Herald Examiner?

A. The first I had of it was when I came in the office the next morning. It occurred about 5 or 6 o'clock in the morning and that morning when I came in the office I heard it.

Q. From where did you get the information?

A. I do not remember. It was from Colonel Shand or from Colonel Taylor.

Q. The information came from Chicago, did it not?

A. I do not know.

Q. Which one of those men would know?

A. I do not know which one.

Q. It would be either one of those two men.

A. I cannot say which one.

Q. Who told you about the massacre?

A. Both of them, Colonel Shand and Taylor.

Q. At about 11 o'clock.

A. No, I come to work earlier than that. That was when I came in the office that morning.

Q. What time did you say that was?

A. 8:15 or 8:30.

Q. This is, also, in the report, is it not? "Mr. Lester refused to close his mine but it had been closed for him and there was no more danger of any more trouble." That is in the report, is it not?

A. I think so if you read it from there, it is.

Q. And you never objected to that being in there, did you?

A. No, sir.

Q. Just what telegrams passed between you and any person in connection with this affair?

A. Before it happened? I had no telegrams at all.

Q. What telegrams, if any, were received at your office?

A. Before it happened?

Q. Yes, sir.

A. None.

Q. What instructions, if any, were referred to you by the Governor's office?

A. Regarding the trouble down there before it happened?

Q. Yes.

A. None.

Q. So, as I understand you, there was no telegraphic communication had with you or with any one who gave it to you concerning this matter before the massacre occurred?

A. No, sir.

Q. I think that is all.

CHAIRMAN: General, just a question or two. Before troops are sent out by you, must you get the consent of the Governor?

A. Yes, sir.

Q. When did you first talk with the Governor after you arrived in Springfield on Monday?

A. I did not talk with him on Monday. You see he was on trial.

Q. Was he in Springfield on Monday?

A. No, he was in Waukegan.

Q. When did you first talk with him prior to the trouble over there?

A. I do not recall when I talked with him exactly. I recall vividly the conversation that I had with him that evening before it happened and again that night.

Q. Was that by telephone?

A. Yes, sir.

Q. Did you report to him what Hunter had reported to you?

A. Yes, sir.

Q. Did you tell him what Lester told you?

A. I told him Lester had called me up and I told Captains to have their companies ready for the call.

Q. And did you report to the Governor practically all the facts as you had them from Colonel Hunter?

A. Yes, sir. I think the Governor told me that Lester had called him that afternoon.

Q. What procedure in your office is necessary to remove a

men who have been derelict in his duty, one of your lieutenants or men in your charge?

A. Issue an order for his discharge or dismissal.

Q. They are not under Civil Service?

A. No.

Q. They may be fired by you with cause?

A. I would not take that responsibility. I would pass it on to the Governor.

Q. Have you made a complaint to the Governor regarding the report of Colonel Hunter?

A. I would not say it was a complaint. I will say I had a conversation with him regarding this.

Q. I mean with reference to removal of an officer making a report that was incorrect?

A. The thing is that this would solve itself on the first of July. I have taken care of it in the budget.

Q. Colonel Taylor referred to is Colonel Frank T. Taylor?

A. Yes, sir.

Q. And Colonel Shand is Colonel Richings J. Shand?

A. Yes, sir.

Q. Colonel S. O. Tripp?

A. Yes, sir.

CHAIRMAN: I guess that is all.

FURTHER EXAMINATION BY MR. ~~RICE~~. RICE.

MR. ~~RICE~~ RICE: Q. You say you made some complaint to the Governor about this report of Hunter's?

A. I did not say it was a complaint. I made a statement to him that there was some features in the report that were not satisfactory to me.

Q. When was that statement made to the Governor?

A. As I recall it, it was along in October or November. It was at the time this came up. The Governor lost his wife and he was not here for thirty days and then the camps came up in August and the strike was on and I did not have an opportunity to talk with him up until quite late in the fall.

Q. So as I understood it, there was no particular objection-
able parts of his report pointed out to the Governor?

A. No, sir.

Q. In your direct examination you made a statement, as I understood it, that in one of the conversations with Colonel Hunter he reported to you that he had not been able to get in touch with the Sheriff. Is that correct?

Q. That he had not been able to get in touch with the Sheriff. That the Sheriff was out of town?

A. I do not recall that.

Q. Was that true that he had not been able to see the Sheriff?

A. There was a time in the morning that he was not able to get hold of the Sheriff when he went out.

Q. And stated that he and some of the deputies had gone to the mine?

A. The night before the deputies were on the job out at the mine to see that the trouble was not started.

Q. In one of these ~~xxxx~~ conversations he stated to you that there had been trouble out there and some one had been shot?

A. No, he said he had a report that there had been some trouble at the mine in the 3 o'clock conversation.

Q. Was that subsequent to the time you heard from Lester?

A. No previous to the time.

Q. In which conversation was it that he thought the Sheriff could handle the matter?

A. At 1 o'clock in the afternoon and again at 3.

Q. Up until that time he had not seen the Sheriff at all?

A. I do not know whether he had, or not.

Q. So that if his statement to you, he thought the Sheriff could handle the matter, would indicate he had an opportunity to see the Sheriff?

A. I would think so, either see the Sheriff or his Deputy. I do not know he saw the Sheriff in person.

Q. You never thought it was necessary to with-draw Mr. Hunter in that neighborhood?

A. No, sir.

Q. Did you think it advisable to keep him in?

A. Yes, as long as he was there I think that until this had blown over it would be a good thing to have a representative there.

Q. Did he keep you posted?

A. He advised me every day.

Q. And aside from a few discrepancies the matters and facts in his report are generally along the facts, as you understand them. Outside of some little discrepancies, as to the hour or time?

A. Oh, as to the hour, I am not specific about the hour. There ~~are~~ is one telephone conversation he has not listed at all. That one at 11 o'clock at night on the night preceding this occurrence.

Q. Now, then, it is true, General, that from which you had learned from Colonel Hunter and from Mr. Lester, you would deem it advisable to take steps to have troops in readiness?

A. Not from what I had learned from Colonel Hunter but from Mr. Lester. Colonel Hunter said he heard there was trouble and naturally I assumed there, and I was right in assuming that he was going to investigate that and then I got this word from Mr. Lester a little later on advising there had been some shooting there.

Q. What did you do after you learned that?

A. I had telephone calls put in to the three company commanders.

Q. Did you communicate this information to Colonel Hunter?

A. No, sir. I did, at the next conversation at 6:30. I told him I had these troops in readiness. The next conversation I had with him was at 6:30.

Q. What was the date and hour, if you can give it, at which you made the arrangement to have those three companies in readiness?

A. The telephone message that I filed to each one of these bodies was at 4:32 on the 21st.

Q. That would be on Wednesday?

A. Yes, sir.

Q. What was the time of that with reference to when you heard from Lester?

A. It was just following.

Q. When was it with reference to the time that you communicated with the Governor what you had heard from Lester?

A. That was previous to the time I talked with the Governor. I did not talk with the Governor until after I had heard from Colonel Hunter at this so-called 6:30 call.

MR. RICE: I do not care to ask any more questions.

FURTHER EXAMINATION BY MR. PIERCE.

MR. PIERCE: Q. General Black, just by what authority did you assume to send Colonel Hunter or Colonel Taylor down there?

A. I did not send them. Of course, Colonel Hunter is the only one that went down. I was absent from the office on the day at Camp Logan and this report came in and he went on his own volition.

Q. You have been asked here by a member from Chicago as to whether or not you knew the law with reference to the duty of somebody in cases of riot or prospective riot, to send or prepare to send or mobilize troops to go to the scene of such riot. Do you know of any law that requires you, in the first instance, to take any such action?

A. No, any more than we believe if there is anything suspected that it is well to investigate.

Q. That is not the question. Do you know of any law that requires or invites you to do that?

A. Yes, sir, the law says that it shall be the duty of the Governor.

Q. You are not the Governor. I am speaking of you as Adjutant

A. No.

Q. Now, if you were looking to the law on the subject and were going to follow the law and be governed by the statute, would you not expect to hear from the source prescribed by statute before you would start to send your troops or instrumentalities into action?

A. To hear from the Governor.

Q. Do you not know of anybody else you can hear from?

A. You can hear from the Sheriff.

Q. Did you not know this section of the statute was in force at this time? Section 5 of Chapter 38 of the Criminal Code, on page 162 of Cahill's Revised Statutes. (Reads from same)

"Whenever the Sheriff, with the help of his force of special deputies is unable to preserve the peace, to quell a riot or execute the law, it shall be his duty to notify the Governor by telegram or otherwise of the facts in the case and to call upon the Governor for such military force as shall be necessary to preserve the peace and execute the law, etc."

You know that statute?

A. Yes, sir. That was in force and was followed out by the Sheriffs of DeWitt, McLean and Will counties.

Q. Do you, also, know that the only other sections of the statute that could start the military force in action is the section with reference to the duties of the Governor?

A. That is the military code.

Q. Now, then, until something of that kind is done, is it your duty to do anything?

A. Well, I believe if I know, and we have a representative there, and he should report that this is threatened, we could go in without the aid of the Sheriff, we could go in without the consent of the Sheriff or Coroner or the like.

Q. I am not asking you if you could do it, but if it is your duty to do it. If you can show any rule of imposing that on the Adjutant General before anything is done?

A. That is my impression in it is my duty to do in.

Q. Then if it is your duty to do in, you would not have to consult the Governor, would you?

A. I believe I misunderstand you. When I speak of myself I speak of acting as the Governor.

Q. I am speaking of you as Adjutant General of the State of Illinois. I wish you would keep that separate.

A. All right, I will.

Q. You were under no obligation to do anything until you got some information from the Sheriff or from the Governor?

A. Nothing except it would be the duty of my Chief to--

Q. As soon as you learned that there was possible disturbances or likely to be disturbances down there, which might or might not have developed into a riot, what did you do with reference to communicating with the Governor?

A. As soon as I heard about this I communicated with the Governor.

Q. Now, as I understand you, the information you got first was a report coming from somebody that they had seen something in the newspapers concerning some disturbance at Herrin?

A. Yes, sir.

Q. Upon that information, without anything more concrete than, namely, this report, you communicated that fact to the Governor, didn't you?

A. Yes, sir.

Q. Did you get anything more concrete with reference to the possibility of a riot or disturbance down there until the day before the actual massacre?

A. No, it was diminished. After the first report, which was apprehensive to a certain extent by following that it kept diminishing in seriousness, etc, and not until immediately preceding this, say, at 3 o'clock, between 3 and 6, did we know that anything of a serious nature was brewing.

Q. Now, Sir, let me see. Between the Monday, the 13th and the night before the 14th, after you had seen the Governor, was it then that at your request, or under your direction, Colonel Hunter went to Herrin?

A. No, sir.

Q. When did he go there?

A. He went there Saturday.

Q. That was before you saw the Governor?

A. Oh, yes.

Q. What did he go there for?

A. He had seen this in the paper and he went down there to investigate.

Q. I thought what you saw in the paper was on Monday.

A. No, on Saturday.

Q. Then did you see the Governor on Saturday or some time later than that?

A. No, sir, I did not see the Governor at all. I did not see the Governor until he came back from Waukogan, until his trial was over.

Q. Did you communicate with the Governor?

A. Yes, sir.

Q. When did you communicate with the Governor with reference to the time you learned from the newspaper that there was some trouble?

A. On Monday I communicated with the Governor's office.

Q. I am under the impression that it was a written communication? A letter that was sent?

A. Yes. But I have not a record of it.

Q. Did you get your reply from the Governor in the way of a letter?

A. No, sir. This was, as I recall it, simply a statement of what he had gotten from Colonel Hunter over the phone when he reported at 11 o'clock on Monday.

Q. What did you tell the Governor about this report?

A. I think that I just outlined what the report was.

Q. Did you tell the Governor that you had any doubt about what was or ought to be done?

A. Not at that time, no sir.

Q. Do you think it would have been advisable or prudent on your part to have indicated to the Governor when you heard there was possible trouble, and to have asked the Governor if he did not think it advisable to mobilize the troops?

A. Looking after it had occurred, I would say yes, but looking at the angle from that time, I would have said no.

Q. Now, General, couldn't it be a pretty good thing, when matters of that kind, you know the temper of the people down there-- you think it would have been a pretty good thing for you as a cautionary matter, to have suggested to the Governor then, when you first learned the thing, that possibly the troops ought to have been called, perhaps either sent or gotten ready to send to prevent a repetition of some of the things that had occurred preceding the trouble?

A. And at that time it did not occur to me.

Q. You felt at that time, regardless of whether you were required to feel that way, that you had some responsibility in the matter?

A. Oh, yes, but as long as my representative down there felt that the civil authorities were able to handle the proposition, I thought it was all right.

Q. Who did you communicate with as the head of these guards?

In fact you communicated with three different troops. Who were the persons you communicated with?

A. Captain Leslie R. Brown.

Q. Where does he live?

A. He lives at Mt. Vernon.

Q. Have they a troop there?

A. A company.

Q. How large a company?

A. Between 20 or 25.

Q. How far was that company located at that time from the seat of this prospective riot?

A. I cannot tell you.

Q. Was that the nearest company?

A. It was one of the three nearest.

Q. Where was the next one?

A. The next one was at Salem.

Q. And how far away was that?

A. That was in the immediate vicinity and one of the three nearest ones.

Q. Was that about the same sized company?

A. Yes, sir.

Q. And where was the other company?

A. Cairo.

Q. Who was the officer with whom you communicated?

A. I tried to communicate with Captain McMacken. He was not available at that time and I communicated with Lieutenant Nolls.

Q. Where is Lieutenant Nolls?

A. As far as I know he lives at Salem.

Q. What did you say to Lieutenant Nolls?

A. I told them all the same thing, for them to get their address lists already so that they could get after their men and to have their supply Sargeant get things ready.

Q. What equipment was available for those troops at that time in these various barracks.

A. Full equipment.

Q. Rifles?

A. Yes, sir.

Q. Rounds of ammunition?

A. Yes, sir.

Q. A full complement of ammunition for the use of the entire company?

A. Yes, sir.

Q. That was all in readiness?

A. Yes, sir.

Q. In every place?

A. Yes, sir.

Q. How was that communication carried on?

A. By telephone.

Q. What did these officers say to you in response to your request?

A. They did like all soldiers - accept the order and hopped to it.

Q. What did they say?

A. I do not recall what they said.

Q. Did they express a willingness?

A. Yes, sir.

Q. Had you no objection from those sources at all?

A. No, sir.

Q. Did you, at that time, get any communication from the Sheriff of Williamson County?

A. No, sir.

Q. Preceding the riot?

A. No, sir.

Q. Did Colonel Hunter ~~xxxxxx~~ so far as his report is concerned, indicate that he had received any notification or request from the Sheriff to send troops in there?

A. No, sir.

Q. What information, if any, did you get from the Governor before the riot in response to any communication you had sent the Governor?

A. I do not just exactly grasp the meaning. We were communicating over the phone. I did not get any written communication from him.

Q. Did you talk with him over the phone between Saturday,

A. As I recall, I talked with him each evening.

Q. Do you remember any part of the conversation or conversations over the telephone you had with the Governor at any time during that interim?

A. No, sir. I remember a general talk.

Q. What was the general talk?

A. The general talk was that the situation did not warrant the sending of troops.

Q. You told the Governor that?

A. Yes, sir, and he acted in accordance with my suggestion to him.

Q. Now, what other information did you have between the 17th and the 20th of June which you based your opinion that the situation did not demand anything to be done outside of what you have already testified to?

A. None at all.

Q. You had received telephonic communications from Colonel Hunter during that interim?

A. Yes, sir.

Q. About daily?

A. Two on Monday, once on Tuesday and three on Wednesday.

Q. All the time he was claiming to you that the situation was not tense, that the local authorities seemed to be able to hold it in control?

A. That is what I gathered. Q. That there was no apparent danger of an outbreak that might result in shooting?

A. Yes, sir.

Q. And it was upon and based upon that sort of information that you got from a representative from your office that you communicated this communication to the Governor, indicating that it was necessary, on the part of the Adjutant General, to send troops into that district?

A. Yes, sir.

Q. Was there anything said by the Governor to you to the

effect that local authorities down there were friendly. Or did -
that he did not want to interfere with them?

A. Not a word.

Q. Did you ever see any communication to you or from any
one else to the Governor indicating that?

A. No, sir.

Q. Or hinting along those lines?

A. That the people down there were friendly? No, sir, I
did not.

Q. Did you ever hear of anything of that kind?

A. No, sir.

Q. That subject was never presented to you before?

A. No, sir.

Q. Do you think the Governor did, from any source, receive
any information concerning the situation there during the time
from the 17th of June until the 21st?

A. No, sir, I do not think that he did. At least he did not
so advise me.

Q. Did you advise Colonel Hunter to communicate anything to
the Governor with reference to any conversation or information he
might obtain while in Herrin?

A. No, sir.

Q. Who was Colonel Hunter expected to communicate with
such information as he might obtain?

A. To the Adjutant General.

Q. That was you?

A. Yes, sir.

Q. So far as you know he communicated solely along those
lines?

A. That is my information.

Q. During that time did you hear from the Sheriff?

A. No, sir.

Q. No communication at all?

A. Nothing at all.

Q. You did receive a communication from the owner of the mine?

A. Yes, sir.

Q. What was his name?

A. Lester.

Q. Telephone conversation?

A. Yes, sir.

Q. That was on Wednesday?

A. Wednesday afternoon between 3 and 4:20.

Q. He appeared excited?

A. Yes, sir.

Q. Did not that indicate to you that possibly something might be doing there?

A. Yes, sir, but he was not on the ground. He was in Chicago.

Q. He was not down there?

A. No, sir.

Q. Did you receive any other information from Herrin or from Williamson County concerning that information?

A. No, sir.

Q. Except from Colonel Hunter?

A. No, sir, I did not.

MR. PIERCE: That is all.

FURTHER EXAMINATION BY MR. RICE

Q. Permit me to supplement what I asked a moment ago. There was in one of these communications from Mr. Hunter something about the ~~situation~~ citizens doing something there. What was that?

A. They organized, as I understood, a citizens committee to cooperate with the Sheriff and I do not know just what their duties were, but he thought it would produce the desired results.

Q. That was about which day, Wednesday?

A. Yes, sir.

Q. That was in the telephone report of 1 o'clock Wednesday?

A. Yes, sir.

Q. Did that indicate to you that there was a necessity for outside interference between these two threatened factions?

A. Not as long as the reports from down there showed that

the citizens and Sheriff were cooperating and there were no reports come to us that things there were anything but in the condition as we would hope them to be.

Q. That is, you took the ^{interest} ~~inference~~ that the citizens were taking as indicating that the situation was getting quiet instead of riotous.

A. That is what I would say.

Q. Did you, also, gather from the statement that there had been no deputies appointed by the Sheriff as indicating that he was not performing his duty or that it was not necessary?

A. That there was no need for doing that.

Q. So that you took both of those facts - non-appointment of deputies and active interest of citizens as indicating a more peaceable attitude rather than more dangerous?

A. Yes, sir.

Q. In the Statute of Illinois, Section 7, regulating this question, the statement that "Whenever there is ⁱⁿ any city, town or county, a tumult, riot, mob, etc. (Reads from section) You understood that to be the law?

A. Yes, sir.

Q. And is that the section of the statute to which you referred when you claimed it would be your duty to send troops when the local authorities asked for them?

A. That is what is commonly termed "the military code."

Q. Did you not consider, General, that although it is the duty of the Governor to make this order, was it not understood that you stood in his place to gather this information and really act upon the information as his representative?

A. No, I would gather the information and give it to him. You understand I cannot do anything without the authority of the Governor. Everything I do is by command of the Governor.

Q. That is, it would be your duty to gather these facts and then report to the Governor and act only upon his directions to you?

A. Yes, sir.

Q. And these matters that you have testified to and which

is shown here by the evidence in this case would not present to you and sufficient necessity to present the matter to the Governor?

A. Not to present them but to recommend to him that troops be ordered.

MR. FLAGG: General, I am in the dark on one point. Do I understand from the evidence that you have given, that you actually knew of the massacre Thursday morning prior to the time Colonel Hunter knew of it?

A. I did indicate that at the time I talked with him at 10:20 he did not say to me that he knew it, and I directed him to go on and investigate and find out if the reports I heard were true, and he came back at 11:30 and talked with me and verified the report.

Q. I cannot understand how that can be possible.

A. I do not know that it can be possible. He only went to the mine as the report said he did.

Q. Is the mine west of Herrin?

A. I am not acquainted down there.

MR. PHILLIPS: I am going to ask where Colonel Hunter was when he was talking to you?

A. At Marion.

Q. Those telephone calls that morning were at Marion?

A. Yes, in fact that was the only place I believe that we talked from.

MR. PHILLIPS: There are several mines out from Herrin?

A. Yes, sir.

Q. But isn't this mine between Herrin and Marion?

A. I do not recall.

MR. IGGE: Colonel Hunter conferred with the Secretary of the Governor before he first went to Marion, didn't he?

A. He says so in his report.

Q. So that he really went down there after a consultation with a personal representative of the Governor?

A. I did not say that, no. He went down simply because

he talked with the Governor's Secretary did not mean that he went down as a personal representative of the Governor.

Q. Why did he go down there?

A. He says that is part of his duty. He says that Governor Small is very anxious that trouble be averted.

Q. That is what I understand you to mean. The reason he went down was because that was part of the duties he was performing in that office. I did not say he talked with the Governor. I say he conferred with the Governor's Secretary. That is what this report says, doesn't it?

A. Yes, sir.

Q. He says he tried to reach you at the "Salvation Army Hotel in Waukegan and was informed that you had left Waukegan at 1:20 P. M. Saturday, June 17th for Springfield, Illinois. I then communicated with Mr. George D. Sutton and it was decided that I had better proceed to Marion in view of the fact that the State's Attorney seemed to have some apprehension concerning the situation."

A. I was not there at that time. It may be that Mr. Sutton came into the Adjutant General's office. About the communication, I do not know.

Q. He might have communicated with him in his office?

A. I do not understand what the circumstances were.

Q. The only point is that you understand he had conferred with Mr. Sutton, the Governor's Secretary before he left. He had taken this up with somebody, hadn't he?

A. He says so.

Q. He, also, says he tried to communicate with you at Waukegan and couldn't?

A. Yes, sir.

Q. Let us assume that report is true in every respect and let us assume all those facts were presented to you as the Adjutant General, do you think it would then have been your duty to order out troops?

A. I do not get the full meaning of your question.

Q. Let us assume that Colonel Hunter advised you of everything that occurred down in that zone, as he sets forth in that report. Let us assume that Lester told you the situation down there, do you think it would then be your duty to order out troops?

A. Lester did call me up.

Q. Let us assume he gave you in detail everything that occurred down there and let us assume those things Hunter told you and which you say he did not tell you are correct, do you think you should have ordered out troops?

A. If I had the information that stores had been broken into and that guns and ammunition had been secured I would have ordered the troops.

Q. If you had information that men had been killed around the mine and non-union men had been attacked on the way to the mine, you would have ordered troops down there?

A. Yes, indeed.

Q. And if you had been told that the actual battle had occurred and that truce had been declared and that men were resting on their arms on both lines of battle, would that have helped you reach your decision?

A. It would if a report had not followed along that there was no apprehension that everything was quiet.

Q. One further question: This report filed by Colonel Hunter and Major Davis, which you say was filed in your office July 5, 1922, that was read before the Appropriation Committee of this Committee of the General Assembly, was it not?

A. Yes, sir.

Q. At that time did you say any part of that report was untrue?

A. I did.

Q. Which part did you say was untrue at that time?

A. I do not recall. I believe I made some remarks that I mentioned this to the Colonel, if it occurred then it would before.

Q. That was the only criticism you made at that time,

wasn't it?

A. I do not recall. Oh, yes, I did say there was something also that I never told him, that request for troops had to be made by the Sheriff before the Governor could call out the troops.

Q. Outside of those two criticisms did you make any other remarks at the time the report was read before the Appropriation Committee?

A. No, sir.

CHAIRMAN: If those reports contained in Mr. Hunter's report had been given to you and the situation pictured to you, as it is pictured from that report, even though Mr. Hunter's judgment was that troops should not be sent, do you think that you would have permitted his judgment to over-ride yours?

A. No, sir.

Q. Then if those reports had been made, if they were, and even though he did not ask for troops, yet you feel--

A. I would have ordered troops then if I had full information of all of the things that are set forth in there.

CHAIRMAN: That is all.

I would like to have a committee meeting just a minute - an executive session, if that is what you would call it. It is 5:25. The reason in my mind is just as strong now ^{as} ~~why~~ it has ever been that we should not permit the testimony to go out to the public. We have conversations here with Mr. Black, made with other people. We cannot call those witnesses today. It is almost impossible.

MR. IGOE: It makes no difference when you call those witnesses.

CHAIRMAN: Let us adjourn into an Executive Meeting.

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TESTIMONY OF DELOS DUTY
BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

April 26, 1923.

2a Witness-- Delos Duty - State's Attorney.

DELOS DUTY,

having first been sworn, was examined in chief by Chairman McCarthy, and testified as follows:

CHAIRMAN: I want to state to the other witnesses. I have not enforced this rule, yet, but all witnesses in this matter should be excluded from the court room. If there is no objection we will permit the Judge to remain, but we would like to have the rest of the witnesses leave the committee room.

(Proceeds with examination of Mr. Duty)

Q. What is your name?

A. My name is Delos Duty.

Q. Where do you live, Mr. Duty?

A. Here in Marion.

Q. How long have you lived in Marion?

A. About thirteen years.

Q. What office do you hold in this county?

A. State's Attorney.

Q. How long have you been a practicing attorney?

A. Since 1914.

Q. Where did you practice law in 1914?

A. Here in Williamson County.

Q. And you have been here ever since? A. Yes, sir.

Q. How long have you been State's Attorney of this county?

A. A little over two years. Two years the 6th of last December.

Q. On or about the 21st day of June, 1922 there was some trouble about Marion and Herrin and I wish you would state to the Committee all conferences that you had or all actions done or performed by you with reference to consulting with officers with reference to avoiding any trouble in this vicinity.

A. You want me to start from the first time I knew of any trouble over there and detail it to the Committee?

Q. Yes, that is what we want.

to time or anything. I believe it was on about Thursday, the 15th or 16th, along there, when I first learned there was a place out here known as the Southern Illinois Coal Company. I had one or two maybe three people come into my office and complaint about some disturbances out there by armed guards or men bearing arms. I would be more accurate if I did say that was about the 16th. On Saturday, which would be about the 17th, I guess, the Sheriff and two deputy Sheriffs, Mr. Storme, who is now County Clerk, and Mr. John Schaffer, who was deputy sheriff at that time and myself went out to this mine. I had never been out before and did not know where the mine was located. We went out around a way that the Sheriff knew. Got to a place where the old public highway had been excavated across and we made a detour to the mine office, turning up on to the mine property, which I learned at that time and afterwards learned it was the mine property, and there I saw a guard that got up off of the ground there and stopped us. He got on the running board, after some words between the guard and myself and went up to the office and I inquired of the Superintendent as to the highest officer and he told me a Mr. McDowell, who I had not seen and after we stayed there some time, Mr. McDowell came from the workings, what the miners called the pit, and we had some conversation with him. You want me to detail that conversation as nearly as I can remember it?

Q. I wish you would.

A. Well, this guard stopped us and he wanted to know where we were going, and I asked him: "Who in the Hell wanted to know." And he said he had to know and I told him to get on the running board of the car and he ~~did~~ would find out. After I had this conversation with him and we went up to the office, I introduced ^{him} ~~McDowell~~ to the Sheriff and deputy sheriff. We told him we had had some complaints about things out there, and he finally told me that Mr. McDowell was Superintendent and he was highest officer and he would hunt him up, and we had some conversation with him.

At the time, I think, there was, as well as I remember, twenty or twenty-five men around there with rifles and pistols. I asked Mr. McDowell who was the President of that mine, if they

were incorporated and several different questions in order to determine who they were, and he said a Mr. Lester of Chicago was the president of that concern and I asked him where he was and he said he was in Chicago. I asked him when he expected him down and he said he would be there on the following Sunday night. So we had some conversation with him and I think the Sheriff participated to some extent in the conversation about why the men were armed, about the complaints we had about them stopping farmers and neighbors around there in the vicinity, going to the wells getting water and in one instance about disturbing some old farmer's chicken roost out there and he said Mr. Lester would be down on the following Sunday night and I asked him if he would bring Mr. Lester to my office on the following Monday and he said he could and Mr. Lester would come to my office on Monday morning. And there were some other people there and I asked Mr. Lester about what his intentions were in running the mine, operating the mine under existing conditions, told him that while I realized he had a lawful right to operate his property if he owned it, and had lawful possession of it, that I was born and raised in this county and I knew something more about the situation down here as far as unionism and organized labor was concerned, than he did, and I rather thought it was unsafe to operate his mine, perhaps not at the present, but sooner or later it would be, if he was loading and moving coal as I understood he as, and he said he was, and I told him in view of all the conditions, it would be ⁱⁿ⁻advisable for him if he wanted to go ahead and strip his coal but that I did not think he would be safe in going ahead and mining and marketing the coal. Well, he said this, as near as I can remember what he said. At least that it in substance, that he had been in these enterprises before and he named, I believe three different places, as well as I can remember it, Kansas, Colorado and West Virginia where he had operated mines of like character, stripping propositions and that he knew what rights were and he was going to operate the mine. And I told him some few other things. I do not remember. I told him I thought sooner or later if he insisted in operating that thing, he would lose his property, all his investments and maybe his life if he stayed around

on the job and on the property and he said he thought he knew his business and he would take his chances and if he could not operate his mine he thought he knew a way he could operate it. That is as I remember the substance of that conversation.

Q. That was with Mr. Lester on Monday morning? A. Yes, sir.

Q. Was that at a conference in your office?

A. Yes, it could be called a conference.

Q. Who else was there?

A. I think Colonel Hunter was there and Mr. McLaren, A. B. McLaren, Colonel Hunter called him up at his office ~~up~~ from my office and he came over.

Q. I see he was one of what is known as the Citizens Committee working at that time?

A. Perhaps, so.

Q. Do you recall anybody else being there?

A. I believe Major Davis was there. I am not positive about that. I remember a man being in and out with Colonel Hunter.

Q. Not, at that time, what if anything was said with reference to troops?

A. Nothing.

Q. Was anything said by Mr. Lester about having troops?

A. Mr. Lester never mentioned any troops or nobody else.

Q. The matter was not discussed there? A. No, sir.

Q. After that, Mr. Duty, did you have any other conference with Mr. Hunter or anybody else? With reference to the situation out at the mine after that conference with Mr. Lester?

A. Just two on Wednesday evening on the evening of Wednesday, June 21st.

Q. Tell us what happened at that time, who was present.

A. In order to give a clear understanding I suppose I better start in when I first heard of any difficulty. It was at the noon hour about 12:15. The Sheriff called me up from the jail or I think he was at the jail and said he had heard of the shooting into a truck down here near the county line and that he would like for me to go down there with him because he did not know just which county it was in, whether in Williamson or Jackson county, and he

Q. What day was it, Sunday, June 21st?

A. That was on Sunday, June 21st at about 12:10. And

I told the Sheriff that I was busy, which I was, and did not think it was necessary for me to go, but he insisted that I go along with him, but thought he might want my advice and we started down there. There was Mr. Maxton, his deputy, Mr. Schaffer and myself in the car. We went down to the place and found out that the Jackson County authorities had already been over ~~at~~ there and took the wounded men in to Carbondale. Some of the men was in a car following this truck or piloting the truck, I do not remember just now, had turned back during the shooting and notified the authorities and they came. We went on to Carbondale, found the men had been taken to the hospital and I took the statements of all of these men and all that I could find.

Q. Do you remember how many were wounded?

A. There were three as well as I remember that had wounds that put them in bed.

Q. Gun shot wounds, rifles?

A. I remember one man I learned afterwards died. It was Sidney B. Morrison who was shot through the spine and his spine was broken and he was in a very serious condition and I thought was dying then. There are two other men. By referring to my files I could tell who they were. One man was shot in the arm and with buck shot I thought and another man was shot with a rifle or pistol, some kind of a bullet wound. I believe just in one arm.

Q. You might tell us now, if you remember, the substance of the statements that they made to you with reference to what happened?

A. The substance was they were driving along in a truck, which I afterwards saw, and were just fired into, fusilladed shots came through the truck.

Q. In ambush?

A. Yes, sir.

Q. Did they see the people?

A. No, they did not see anybody.

Q. That is about all they knew about it?

A. That is all they knew.

Q. Now continue.

A. We left Carbondale before dark and we found out, or the Sheriff found out this truck, when we got there, was gone and the Sheriff found out that the truck had been taken to Carterville, about nine miles west of here. Coming back from Carbondale we left there, I should say, about 6 or 6:30. That is my best judgment. I might miss it thirty minutes. We came back by Carterville and went to the village where this truck was and when we left Carterville it was considerably after dark. I should say somewhere near 7:30 or 8 o'clock. It might have been a little bit after 8. We drove on to Marion and when we got down to the jail I got out of the car, came along the south side of the square and my office was then located on the south side of the square. I think by the time I got up to the office it would be around 9:15. After I had been there some time there was a bunch of men came up and inquired for Colonel Hunter, if I knew where he was. As well as I remember it was Hugh Willis, Judge Hartwell, a carpenter who lives here in Marion by the name of Wilson Bond and the Sheriff, Melvin Thaxton, the deputy Sheriff Storme. I am not sure which ones came together except I know that Mr. Willis, Judge Hartwell, Thaxton, Storme and Bond were all up there and I believe came together. There was a man, so I have heard was up there by the name of Drobeck from Johnston City.

Q. Who was he?

A. He was a newspaper man, I think. He edited the Williamson County Miner. I do not recall ever seeing him there. I think, perhaps, he was there. I told him I had not seen Colonel Hunter since this conference but that he might be found over at the Greater Marion Association office and somebody, I think it was Mr. Willis, asked me to call over and see if Mr. Hunter was there, and I called and I should say that was about 9:30, and Colonel Hunter was there and I talked with him and told him there was some fellows wanted to see him and told him who it was, and he said he had a call in for Adjutant General Black and as soon as he got his call through he would be over. We did not have very many chairs and the fellows were sitting on the window ledge, and I

was going on with some work I had on hand and we sat there for perhaps thirty minutes. I think Mr. Willis had asked me to call again and see if Mr. Hunter was there and what was the reason he did not come over and I did and Colonel Hunter told me he had not got his call through but he thought he would get it through right away and as soon as he finished his call he would be there, and I think we waited there about the same length of time, and I called for Colonel Hunter the third time for Mr. Willis and he said he had just finished his call and would be right over and he came over in less than five minutes from that time, and as I remember it, Colonel Hunter was alone. It might be that Major Davis was with him. I had never seen Major Davis before. He came up to the office and I remember some parts of his conversation. Not very long after he came up there, I should say that by the time he got there, it must have been after 11 o'clock, when I made this call. That is my judgment. He asked me if he could use my telephone and I told him Yes he could, and he sat down at the typewriter desk and put in a call for Adjutant General Black and it was not very long until he got him. That is, I am judging from the conversation that he talked to Adjutant General Black. I know he called him General and wanted to make a report of the situation down here and I remember he told him that everything was quite under control and he wanted to advise that troops would not be needed, and in my judgment, that did not miss 11 o'clock. It was on the evening of Wednesday, the 21st. I remember Judge Hartwell being there, Sheriff Thaxton, John Schaffer, Mr. Storme and Colonel Hunter. This man Drobeck, I do not remember and Major Davis might have been there for all I know.

Q. Just prior to that time what had been the discussion among these men? Was it regarding the trouble at the mine, the prospective trouble?

A. The talk between whom?

Q. These different men in your room.

A. There was not any talk about that situation at all. They were looking for Colonel Hunter.

Q. Had the matter been discussed with you by any of these men?

A. No, sir.

Q. Up to the time that Colonel Hunter called General Black on the phone had he consulted with you or had a conference with you?

A. Yes, sir.

Q. When was that?

A. The first time Colonel Hunter came to my office was on the Sunday before.

Q. I am speaking particularly now of Wednesday evening.

A. I had not seen Colonel Hunter all that day and had not seen him for several days before, but saw him on Monday morning.

Q. Was he present at the time you talked with Mr. Lester?

A. Yes, sir.

Q. And that was the last conference you had with him?

A. Yes, sir.

Q. Just prior to that telephone message to General Black, what, if anything, had been said in your office that you heard or in any conversation in which you participated with reference to troops being organized?

A. Nothing. I never heard of any troops until after the thing was over.

Q. Had anybody approached you with reference to that subject?

A. No, sir.

Q. Had Mr. Hunter or Major Davis talked with you after the conference Monday morning with reference to the situation in your county or what might happen unless troops were sent here?

A. No, sir. I had not seen either one of them from Monday until Wednesday night.

Q. Had they talked with you about the Sheriff being induced to swear in more deputies or to take precautionary steps to prevent trouble?

A. Nobody had said anything to me about the Sheriff swearing in deputies.

Q. You left Marion, I think you said about 12:15 to go out to where this truck had been shot at, upon your return, did you hear of any of the union miners being killed out at the mine?

A. No, sir, I did not know that until the next morning.

Q. Had you heard that stores had been broken into?

A. When I left the Sheriff, I got out at the jail and came up to the south side of the square I passed a good many people I know, and did not know any more had been raided or any people had been shot or any firing at the mine. Q. After this conference on Monday morning with Mr. Lester, did you know of any circumstances or any happenings or any gatherings or anything that might lead you to believe there was danger of riot or violence?

A. Well, I did not know of any gathering or any happening that would lead me to believe there was any danger of any violence at any time but I can tell you what my idea was what I told Mr. Lester.

Q. That is what the committee would like to get, your idea.

A. No, I did not know of any gatherings or any prospect or any possibility of anything of that kind at any time, but I did thing, as I told Mr. Lester, if he persisted in mining and shipping coal that it would lead to that sooner or later but I had no idea it would happen as soon as it did or any where near that soon.

Q. Did you know anything about a meeting of miners on Tuesday evening?

A. No, I did not. I know about it now.

CHAIRMAN: Any further questions?

EXAMINATION BY MR. IGOE.

Q. Mr. Duty, you felt if Lester kept on operating this mine it would lead to trouble, didn't you?

A. Yes, I felt that.

Q. Did you know he was keeping on operating the mine?

A. No, I did not know it because I did not see him any more.

Q. He told you the last time you saw him he proposed to operate it?

A. Yes, sir.

Q. He requested you to swear in additional deputies to protect property?

A. No, sir, he did not.

Q. Were you present at any conversation he had with the Sheriff?

A. Yes, sir.

Q. You say at that time he made no request for additional deputies?

A. No, sir.

He did not make any request for deputies at all.

Q. Did you have a meeting or not at that time with the Sheriff?

A. No, I do not.

Q. Where did you leave Mr. Lester that morning?

A. Mr. Lester left me in the office.

Q. Where was the sheriff when Mr. Lester left him?

A. I do not know whether they went down together or whether Mr. Lester went first. I think they went down together.

Q. You do not know whether or not Mr. Lester made a verbal demand or a written demand upon the Sheriff?

A. No, he did not make any demand.

Q. Did you ever hear of his making a demand on the Sheriff for protection?

A. No, sir.

Q. Did the Sheriff ever tell you he received a letter, dated June 18, 1922 from Mr. Lester asking for protection?

A. No, sir.

Q. Did the Sheriff tell you that?

A. No, sir.

Q. But you felt pretty certain if he continued to operate that plant out there, there would be trouble?

A. That is what I told him.

Q. And after that you never received any information or did you make any inquiry as to whether or not he was operating that plant?

A. No, I did not make any inquiry.

Q. Did you ever hear of any one being shot at the mine during that week?

A. Yes, sir. I did during that week on Thursday.

Q. Before Thursday?

A. No, sir.

Q. Did you hear of any disorder of any kind at that mine between Monday and Thursday?

A. Nothing, as I stated before. I had two or three complaints about some things the guards were supposed to have done out there.

Q. Those complaints, I understand in your testimony, were given before Monday?

A. Sunday afternoon.

Q. What did they tell you was happening there?

A. I believe there was three young boys came up into my

office. I believe he was killed. They and some young Greek. They claimed they had gone on mine property, been pulled out of the car, battered, hit and knocked around a little bit. They wanted warrants ~~xxxx~~ for these fellows. I found out it was about 2 or 2:30 in the morning and they could not identify anybody and could not give me any names. Of course, I remember the circumstances now in the trial. I told them I could not give them warrants unless they could identify them but they said they could not identify anybody. That was on Tuesday. It was either on Monday after Lester was up there or on Tuesday.

Q. Of course, I was not here during the trial but did these fellows insist they did not identify the guards?

A. You mean on the trial. They said that they did at that time identify some of the men.

Q. And that you refused to issue warrants?

A. That is what they said.

Q. That was on Tuesday of that week?

A. As I remember, yes.

Q. When you went out with the Sheriff you found about 25 armed guards patrolling the property?

A. 25 or 30.

Q. Is there any other coal mine in this county that has armed guards patrolling their property?

A. No, sir.

Q. That is something unusual?

A. That is the first time I ever saw it.

Q. That is only done when some fellow comes in and tries to set up a non-union outfit.

A. That is the only time I have ever known it.

Q. And Lester insisted he was going to maintain those armed guards?

A. That is what he told me in the office and the Sheriff.

Q. You told him that would likely lead to trouble?

A. Yes.

Q. And from that time on you made no further inquiry as to whether he was maintaining them or not?

A. No, I did not.

Q. And you made no inquiry as to whether he was operating that mine?

A. I think court was in session here.

Q. Where in this city?

A. At the court house here.

Q. I thought the Judge was sitting at Metropolis?

A. He was sitting at Metropolis.

Q. That week I thought he was sitting at Metropolis.

A. Maybe he was.

Q. I cannot remember whether he was in court here or in the court at Herrin. By reference to my files I could tell.

Q. Do you remember you were at Herrin during that week at all?

A. Yes, sir.

Q. Do you remember what days you were in Herrin?

A. On ~~Tuesday~~ Thursday?

Q. Before Thursday?

A. No, I do not think I was. I was in Marion.

Q. That was after trouble occurred you were in Herrin on Thursday?

A. Yes, sir.

Q. Did the Sheriff ever request any advice from you as to whether or not troops should be called out?

A. No.

Q. Did you ever tell the Sheriff, in the presence of Colonel Hunter or Major Davis you would not advise him to call troops out?

A. No, I did not.

Q. Did you ever state in the presence of Colonel Hunter that under no circumstances would you advise him to call troops out?

A. No.

Q. Was there a meeting of miners held in this city between Monday and Wednesday of this week?

A. No, sir.

Q. In this city?

A. No, sir.

Q. Or in Herrin?

A. I heard of a meeting over at Herrin at a place ~~xx~~ at Sunnyside.

Q. What day?

A. I understood that was on Tuesday.

Q. Was that the day when Sneed addressed the miners?

A. I do not know about that.

Q. Did you hear about a telegram coming into this city of Marion from ~~Marion~~ a Mr. Lewis of the Mine Workers?

A. I heard about a telegram.

Q. Do you know what day? A. No, I do not.

Q. Do you remember when it was published in the papers here?

A. Well, I could not tell.

Q. Do you remember the substance of that telegram?

A. Well, yes, I think I remember the substance of it.

Q. What was it please.

A. As I remember it, the substance was that these shovelers, steam shovel men were ostracized from the Union and should be treated as any other strike-breakers.

Q. That was published in the paper as I understand it either here or at Herrin.

A. I do not believe that I ever saw the paper that that telegram was published in but I think I saw a copy of it, and I think that Mr. Middlekauff, when he was down here had a copy of the telegram.

Q. Was that the first time you saw a copy?

A. Yes, I had heard before that but had not seen it.

Q. Had you heard of the telegram before Thursday of that week?

A. Oh, no, afterwards.

Q. Did you ever hear of any stores being broken into and ammunition taken out of them?

A. Oh, yes, I heard that here at the trial.

Q. I mean during the week of the trouble.

A. I heard about it on Thursday, the next morning.

Q. And the stores were broken into on Wednesday?

A. Wednesday afternoon.

Q. And you reached the city here late Wednesday evening?

A. About 9:30.

Q. Were those stores located here or at Herrin?

A. Some of the stores that I understand were broken into or just raided. I understand a store about ten feet across an alley,

about ten feet wide from my office, one on the west side of the square and one on the north side.

Q. You mean a hardware store ten feet from your office was raided?

A. I have understood that was.

Q. What did they get out of there?

A. I do not think they got anything out of there. They had their guns hid.

Q. What did they get out of any hardware store?

A. All I can tell you is what developed during the testimony in the trial. I understand they got guns from a hardware store on Wednesday on South Main St. and a few pistols on North Market Street, and some got some guns from a pawn shop.

Q. Do you have pawn shops down here too?

A. Well they did have one, yes.

Q. About how many guns did they get altogether?

A. I do not know.

Q. As I understand it, the store within ten feet of your office they did not get any guns?

A. That is, as I understand it.

Q. Did they get any ammunition there?

A. I believe they did get some ammunition.

Q. Did you ever hear about how many people went into any of these stores for the purpose of making a raid?

A. Oh, yes, I heard what the witnesses said.

Q. What was the number of persons that went into these stores?

A. Fifteen or Twenty.

Q. And when you got back to Marion the night of June 21 about 9:30 there was not anything out of the ordinary at all.

A. I did not know anything out of the ordinary, all of the offices or stores were closed.

Q. And the Sheriff made no report to you that night?

A. The Sheriff was along with me and came back with me.

Q. As I understand, you left him at the jail?

A. Yes, sir.

Q. He did not make any report to you at that time?